

SENATE BILL 470

P5

EMERGENCY BILL

01r0384

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 1, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code and in certain uncodified laws; clarifying language; correcting
5 certain obsolete references; reorganizing certain sections of the Annotated Code;
6 ratifying certain corrections made by the publishers of the Annotated Code;
7 providing that this Act is not intended to affect any law other than to correct
8 technical errors; providing for the correction of certain errors and obsolete
9 provisions by the publishers of the Annotated Code; providing for the effect and
10 construction of certain provisions of this Act; and making this Act an emergency
11 measure.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 8–216(a)(2)(iv)4., 9–204.1(d)(3), 10–103(b)(13)(x)3.C., and 10–301(i)(1)(i)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 24 – Political Subdivisions – Miscellaneous Provisions
19 Section 2–101(b)(1) and 9–1301(h)(3)(ii)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 28 – Maryland–National Capital Park and Planning Commission
24 Section 2–111(b) and (d) and 5–114.1(d)(6)
25 Annotated Code of Maryland
26 (2003 Replacement Volume and 2009 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Article 66B – Land Use
2 Section 1.03(b)(4) and 14.05(f)(3)(ii)
3 Annotated Code of Maryland
4 (2003 Replacement Volume and 2009 Supplement)
- 5 BY repealing and reenacting, without amendments,
6 Article 66B – Land Use
7 Section 14.05(f)(3)(i)
8 Annotated Code of Maryland
9 (2003 Replacement Volume and 2009 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Agriculture
12 Section 2–513(b)(1)(i) and 10–1601(c)(3)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Business Occupations and Professions
17 Section 2–401(a)(3) and 2–4A–01(a)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2009 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Business Regulation
22 Section 2–106.1(c)(2), (d), (e), and (f), 8–707(b)(1), and 16–501(f)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2009 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – Corporations and Associations
27 Section 4A–1002(b)(5)
28 Annotated Code of Maryland
29 (2007 Replacement Volume and 2009 Supplement)
- 30 BY adding to
31 Article – Correctional Services
32 New subtitle designation “Subtitle 5. Task Force on Prisoner Reentry” to
33 immediately precede Section 2–501
34 Annotated Code of Maryland
35 (2008 Replacement Volume and 2009 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Correctional Services
38 Section 2–501(b)(9)(vii)
39 Annotated Code of Maryland
40 (2008 Replacement Volume and 2009 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – Courts and Judicial Proceedings
3 Section 1–708(b)(4), 3–8A–27(b)(4)(i), and 4–301(a)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2009 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 8–301(k) and 8–801(a)
9 Annotated Code of Maryland
10 (2002 Volume and 2009 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 5–202(e)(2)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Economic Development
18 Section 10–445(b), 10–449(b)(2)(ii), 10–801(a), and 12–209(b)(2)
19 Annotated Code of Maryland
20 (2008 Volume and 2009 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Education
23 Section 3–1001(c)(6), (d)(4), and (e)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2009 Supplement)
26 (As enacted by Chapters 348 and 349 of the Acts of the General Assembly of
27 2008)
- 28 BY repealing and reenacting, with amendments,
29 Article – Education
30 Section 5–206(f)(2)(iii) and (3), 5–401(b)(2)(ii), 7–426.1(e), 8–401(a)(4) and (5),
31 11–206.1(a), 11–305(4), 18–601(d)(3)(ii), and 18–705(a)(5)(i)
32 Annotated Code of Maryland
33 (2008 Replacement Volume and 2009 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article – Election Law
36 Section 2–205(b)(2)(ii), 2–206, 3–101(c)(3) and (4), 3–501(2) and (4), 4–203(f)(2),
37 9–406(b), 13–209(c)(1), 13–304(a)(1), 13–321, 13–322(2), and 13–328(a)
38 and (c)
39 Annotated Code of Maryland
40 (2003 Volume and 2009 Supplement)
- 41 BY repealing

1 Article – Election Law
 2 Section 13–317
 3 Annotated Code of Maryland
 4 (2003 Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Environment
 7 Section 1–701(g)(3)(i), 3–105(a)(3)(ii), 9–658(c)(1), 9–1703(d), and 15–823(c)
 8 Annotated Code of Maryland
 9 (2007 Replacement Volume and 2009 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Estates and Trusts
 12 Section 13–207(a)(9)
 13 Annotated Code of Maryland
 14 (2001 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article – Family Law
 17 Section 5–580.3(a)(2), 10–301(v)(2)(ii)2., and 10–304(b)
 18 Annotated Code of Maryland
 19 (2006 Replacement Volume and 2009 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article – Financial Institutions
 22 Section 2–113(d)(4), 4–803(e)(2)(ii), 5–203(b)(2), 11–601(c), and 11–603(c)(5)(i)
 23 Annotated Code of Maryland
 24 (2003 Replacement Volume and 2009 Supplement)

25 BY repealing and reenacting, with amendments,
 26 Article – Health – General
 27 Section 2–302(b)(2), 4–224, 4–301(k)(5) and (6), 5–310(d)(2)(v), 5–609(d),
 28 5–704(a)(2), 7–403(b)(2), 7–602(c), 7–604(a), 7–606(a) and (b)(2),
 29 7–1006(c)(1)(vi), 8–502(a)(1), 10–208(a)(1), 10–622(b)(1)(i), 10–623(a),
 30 10–624(a)(1)(ii), 10–701(g)(3), 10–708(j), 10–812(c), 10–905, 13–1101(l),
 31 13–1604, 13–2702(a)(2)(ii), 14–401(k), 15–103(e), 15–133(a), 15–201(c)(2),
 32 15–205(a), 15–501(a), 18–213(j)(2) and (k), 18–213.1(h)(2) and (i),
 33 18–308(e), 18–331(c), 18–338.1(h)(1) and (l), 18–338.3(a)(8) and (b)(1),
 34 18–404(e), 18–906(b)(6), 19–109(a)(3) and (b)(4), 19–214(d)(3)(i)3.,
 35 19–303(a)(3)(ii), 19–307.1(9), 19–345(a)(4), 19–345.1(c) and (e)(2),
 36 19–346(d)(3) and (n)(1), 19–3A–02(b)(4), 19–705.3(b)(1), 19–1407(a)(2),
 37 (5), and (6), 19–1411(b), 21–2A–01(c)(8), 21–301(h)(2), 21–302,
 38 21–304(a)(2)(ii), 21–316(a), 21–318(a), 21–323.1(c), 21–1111(b),
 39 21–1204(a), 21–1214(b), 24–803(6), 24–806(b)(6), 24–903(6),
 40 24–1203(b)(2)(iii), and 24–1406(g)(2)(ii)1.
 41 Annotated Code of Maryland
 42 (2009 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 1–207, 3–5A–11(a)(16), 4–205(a)(6), 4–315(a)(28) and (b)(16), 4–403(d),
4 4–501(b)(7) and (8), 7–205(a)(9), 7–316(a)(28), 8–205(a)(14), 8–316(a)(15),
5 8–6A–10(a)(23), 8–6B–06(10), 8–6B–18(a)(24), 9–302(d)(1)(i), 10–101(l),
6 12–6B–11(a), 14–205(a)(1)(iv), 14–404(a)(31), 14–504(g)(2), 15–202(a)(4),
7 15–205(b)(3)(iii), 15–314(7), 16–205(b)(4), and 16–311(a)(25)
8 Annotated Code of Maryland
9 (2009 Replacement Volume)
- 10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 12–101(i)(2)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)
15 (As enacted by Chapters 352 and 353 of the Acts of the General Assembly of
16 2007)
- 17 BY repealing and reenacting, with amendments,
18 Article – Human Services
19 Section 1–202(c)(2)
20 Annotated Code of Maryland
21 (2007 Volume and 2009 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Insurance
24 Section 8–605.1(c) and 9–229.1(a)(7)(i)
25 Annotated Code of Maryland
26 (2003 Replacement Volume and 2009 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Insurance
29 Section 10–705(a)(4) and 10–708
30 Annotated Code of Maryland
31 (2003 Replacement Volume and 2009 Supplement)
32 (As enacted by Chapters 316 and 317 of the Acts of the General Assembly of
33 2009)
- 34 BY repealing and reenacting, with amendments,
35 Article – Insurance
36 Section 15–112.2(a)(4) and (5), 15–403.2(c)(2) and (d), 15–409(d)(3),
37 15–817(c)(2)(i), 19–807(c)(3)(iii), 27–401(b)(2)(i), 27–402(8), and
38 27–605(b)(6)
39 Annotated Code of Maryland
40 (2006 Replacement Volume and 2009 Supplement)
- 41 BY repealing and reenacting, with amendments,
42 Article – Labor and Employment

1 Section 5–205(n) and (o)(1) and (2)
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2009 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Natural Resources
6 Section 3–104(m)(1), 4–204(a)(3), 4–710(e), 5–102(a)(1), 5–304(2)(iii), and
7 5–307(g)(3)
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2009 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 8–1808(d)(4)(ii)1.
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 1–202(b)(2)
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Real Property
22 Section 7–401(d)(4) and (5), 8–110.1(a)(8), 11–102.2(c), 11–108.1, 11–111.1(i),
23 11–114(g)(2)(iv), 11–126(a)(2)(ii), 11–127(d)(1)(ii), and 14–120(i)
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2009 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Finance and Procurement
28 Section 11–203(b)(1)(ii)
29 Annotated Code of Maryland
30 (2009 Replacement Volume)
31 (As enacted by Chapter 3 of the Acts of the General Assembly of 1994)

32 BY repealing and reenacting, with amendments,
33 Article – State Finance and Procurement
34 Section 13–108(a)(1) and (b)(1), 14–401(d)(2)(ii), and 14–305(a)(1)
35 Annotated Code of Maryland
36 (2009 Replacement Volume)

37 BY repealing and reenacting, with amendments,
38 Article – State Government
39 Section 6–301(e), (f), and (g), 6–304(a) and (b), 6–306(a)(1) and (b)(1),
40 6–307(c)(1), 9–1A–01(m), 9–1A–03(b), 9–1A–07(c)(7)(v)2., 9–1A–24(b)(2),

- 1 9–603(a), 9–604, 9–1008(b), 9–2701(h)(3), 9.5–308(b), 10–222.1(c),
2 10–1102(f)(1), 10–1103(c), 20–401, and 20–1013(d)
3 Annotated Code of Maryland
4 (2009 Replacement Volume)
- 5 BY repealing and reenacting, with amendments,
6 Article – State Government
7 Section 9.5–101(a)
8 Annotated Code of Maryland
9 (2009 Replacement Volume)
10 (As enacted by Chapter 521 of the Acts of the General Assembly of 2008)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 2–707(a)(1), 3–202(f)(1), 3–2A–02(f)(1), 21–306(e)(3)(iii), 22–406(n)(7),
14 23–204(d)(2), 23–407(n)(7), and 38–103(d)(2)(ii)2.
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2009 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Tax – General
19 Section 10–727(a)
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2009 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Tax – Property
24 Section 8–401(f) and 9–105(a)
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2009 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Transportation
29 Section 2–103.1(f)
30 Annotated Code of Maryland
31 (2008 Replacement Volume and 2009 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 13–209(a), 13–402(c)(10), (11), and (12), 15–311.2(a)(1), 16–208(a)(1),
35 16–301(c) through (g), 16–402.1(a)(2), 16–812(a)(2)(iii), 18–105,
36 21–902(c)(3), 21–1207.1(c), 21–1207.2(a), and 24–301(b)(2)
37 Annotated Code of Maryland
38 (2009 Replacement Volume and 2009 Supplement)
- 39 BY repealing
40 Chapter 3 of the Acts of the General Assembly of the 2007 Special Session
41 Section 9

1 BY repealing and reenacting, with amendments,
2 Chapter 171 of the Acts of the General Assembly of 2009
3 Section 6

4 BY repealing and reenacting, with amendments,
5 Chapter 172 of the Acts of the General Assembly of 2009
6 Section 6

7 BY repealing and reenacting, with amendments,
8 Chapter 180 of the Acts of the General Assembly of 2009
9 Section 5

10 BY repealing and reenacting, with amendments,
11 Chapter 181 of the Acts of the General Assembly of 2009
12 Section 5

13 BY repealing and reenacting, with amendments,
14 Chapter 186 of the Acts of the General Assembly of 2009
15 Section 5

16 BY repealing and reenacting, with amendments,
17 Chapter 487 of the Acts of the General Assembly of 2009
18 Section 47

19 BY repealing and reenacting, with amendments,
20 Chapter 500 of the Acts of the General Assembly of 2009
21 Section 3 through 9

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 2B – Alcoholic Beverages**

25 8–216.

26 (a) (2) (iv) 4. In addition to the restrictions in subsubparagraphs 2
27 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a
28 special B–K beer, wine and liquor license in the commercial areas specified in [items I,
29 J, K, and L of this subparagraph] **SUBSUBPARAGRAPH 1I, J, K, AND L OF THIS**
30 **SUBPARAGRAPH** may not serve alcoholic beverages after 11 p.m.

31 DRAFTER'S NOTE:

32 Error: Stylistic error in Art. 2B, § 8–216(a)(2)(iv)4.

33 Occurred: Ch. 432, Acts of 2007.

1 9–204.1.

2 (d) (3) Notwithstanding paragraph (2) of this subsection, new Class B
3 beer, wine and liquor restaurant licenses may not be issued:

4 (i) In the 46th alcoholic beverages district, the area covered by
5 the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor
6 and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

7 (ii) In the 46th alcoholic beverages district, the area covered by
8 the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of
9 Baltimore City in Ordinance 622 on March 12, 1986; [and]

10 (iii) In the 46th alcoholic beverages district, ward 23, precinct 1,
11 ward 1, precinct 4 or 5, and ward 24, precinct 5; and

12 (iv) In the area known as Pen Lucy, ward 9, precincts 1 and 2.

13 DRAFTER'S NOTE:

14 Error: Extraneous conjunction in Art. 2B, § 9–204.1(d)(3)(ii).

15 Occurred: Ch. 425, Acts of 2008.

16 10–103.

17 (b) (13) (x) 3. The Board of License Commissioners may:

18 C. Forward the fingerprints through the Central
19 Repository for transmittal to the Federal Bureau of Investigation for a national
20 criminal **HISTORY** records check; and

21 DRAFTER'S NOTE:

22 Error: Omitted word in Art. 2B, § 10–103(b)(13)(x)3C.

23 Occurred: Ch. 198, Acts of 1998.

24 10–301.

25 (i) (1) In Charles County, the Board of License Commissioners may not
26 renew any license as authorized in subsection (a) of this section unless there is
27 presented to the Board a certification from the:

28 (i) Office of the County Supervisor of Assessments showing
29 [that] the value of the merchandise, fixtures, and stock-in-trade for the business for

1 which the application is made for the calendar year next preceding the year the license
2 is to be issued;

3 DRAFTER'S NOTE:

4 Error: Extraneous word in Art. 2B, § 10–301(i)(1)(i).

5 Occurred: Ch. 248, Acts of 1996.

6 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

7 2–101.

8 (b) (1) Except as provided in paragraph (2) of this subsection, if a political
9 subdivision is authorized to incur debt to be redeemed from a fee, charge, or the
10 proceeds of a levy, then within 120 days after the end of the fiscal year of the political
11 subdivision, its financial officer shall submit to the [Department and] State Treasurer
12 AND, subject to § 2–1246 of the State Government Article, **TO THE DEPARTMENT** a
13 comprehensive report on the financial condition of the political subdivision as of the
14 end of that fiscal year.

15 DRAFTER'S NOTE:

16 Error: Misplaced language in light of the fact that reports to the Department [of
17 Legislative Services] are subject to § 2–1246 of the State Government Article, while
18 reports to the State Treasurer are not.

19 Occurred: Ch. 693, Acts of 2009.

20 9–1301.

21 (h) (3) (ii) The ordinance or resolution authorizing the bonds required
22 under this subsection, any ordinance, resolution, or executive order passed or adopted
23 in furtherance of the required ordinance or resolution, the bonds, the designation of a
24 special taxing district, or the levy of a special ad valorem tax or special tax shall be
25 subject to the request of the landowners as specified under subsection [(c)(1)](D)(1) of
26 this section.

27 DRAFTER'S NOTE:

28 Error: Erroneous cross-reference in Article 24, § 9–1301(h)(3)(ii).

29 Occurred: Ch. 548, Acts of 1995.

30 **Article 28 – Maryland–National Capital Park and Planning Commission**

31 2–111.

1 (b) The Commission may establish a program of group health, life,
 2 [hospitalization] **HOSPITALIZATION**, and disability insurance by the purchase of
 3 insurance coverage from insurance companies authorized to do business in the State of
 4 Maryland.

5 (d) The Commission may cooperate with and enter into agreements with
 6 Montgomery County or Prince George's County, or both, or, subject to the approval of
 7 the county government of any county affected by the agreement, with other units of
 8 government, for the purpose of obtaining and providing insurance coverage in the most
 9 economical manner for any type of insurance protection including, but not limited to,
 10 public liability, group health, life, [hospitalization] **HOSPITALIZATION**, and disability,
 11 real and personal property, and workers' compensation. Provided, however, that
 12 nothing herein shall authorize the Commission to establish a self-insurance program
 13 for group health, [life] **LIFE**, and hospitalization insurance.

14 DRAFTER'S NOTE:

15 Error: Omitted commas in Art. 28, § 2-111(b) and (d).

16 Occurred: Ch. 778, Acts of 1978.

17 5-114.1.

18 (d) (6) An employee organization that has not filed an annual report or
 19 whose constitution and bylaws do not conform to the requirements of [subsection
 20 (d)(5)] **PARAGRAPH (5)** of this [section] **SUBSECTION** may not be or remain certified
 21 for the purpose of negotiating with the MNCPPC.

22 DRAFTER'S NOTE:

23 Error: Stylistic error in Art. 28, § 5-114.1(d)(6).

24 Occurred: Ch. 776, Acts of 1986.

25 **Article 66B – Land Use**

26 1.03.

27 (b) The following sections of this article apply to a charter county:

28 (4) § [1.03] **1.04** (Charter county – Comprehensive plans);

29 DRAFTER'S NOTE:

30 Error: Erroneous cross-reference in Article 66B, § 1.03(b)(4).

1 Occurred: As a result of Chs. 180 and 181, Acts of 2009.

2 14.05.

3 (f) (3) (i) The County Commissioners, by ordinance, may fix and
4 impose a fair share school construction excise tax levied against the owner of real
5 property located in the county that is improved by new residential development.

6 (ii) 1. For fiscal year 2003, the fair share school construction
7 excise tax may not exceed the following amounts:

8 A. For a single-family detached home, \$9,700;

9 B. For a town house, \$9,200; and

10 C. For a multifamily housing unit, \$7,000.

11 2. For fiscal year 2004 and succeeding fiscal years, the
12 limits set forth in [subparagraph (i) of this paragraph] **SUBSUBPARAGRAPH 1 OF**
13 **THIS SUBPARAGRAPH** shall be altered by the same percentage as the change in the
14 producer price index for the materials and components for construction, as reported by
15 the United States Department of Labor, for the fiscal year preceding the year for
16 which the amount is being calculated.

17 DRAFTER'S NOTE:

18 Error: Erroneous internal reference in Art. 66B, § 14.05(f)(3)(ii)2.

19 Occurred: Chs. 476 and 586, Acts of 2002.

20 **Article – Agriculture**

21 2–513.

22 (b) (1) A landowner whose land is subject to an easement may not use the
23 land for any commercial, industrial, or residential purpose except:

24 (i) As determined by the Foundation, for [farm] **FARM**– and
25 [forest] **FOREST**–related uses and home occupations; or

26 DRAFTER'S NOTE:

27 Error: Omitted hyphens in § 2–513(b)(1)(i) of the Agriculture Article.

28 Occurred: Ch. 258, Acts of 2003.

29 10–1601.

1 (c) The Program is established for the purpose of:

2 (3) Developing and regularly updating a database of farmers
3 interested in selling their farm products to Maryland schools, including the types and
4 amounts of farm products the farmers want to sell and the time periods [that] IN
5 **WHICH** the farmers want to sell;

6 DRAFTER'S NOTE:

7 Error: Grammatical error in § 10–1601(c)(3) of the Agriculture Article.

8 Occurred: Chs. 371 and 372, Acts of 2008.

9 **Article – Business Occupations and Professions**

10 2–401.

11 (a) To operate a business through which certified public accountancy is
12 practiced, a firm shall hold a permit issued by the Board if the firm:

13 (3) performs attest services described in § 2–101(c)(1), [(3)] **(3)**, or (4)
14 of this title for a client with a home office in this State.

15 DRAFTER'S NOTE:

16 Error: Omitted comma in § 2–401(a)(3) of the Business Occupations and
17 Professions Article.

18 Occurred: Ch. 536, Acts of 2008.

19 2–4A–01.

20 (a) In this [section] **SUBTITLE** the following words have the meanings
21 indicated.

22 DRAFTER'S NOTE:

23 Error: Erroneous internal reference in § 2–4A–01(a) of the Business
24 Occupations and Professions Article.

25 Occurred: Ch. 88, Acts of 2005.

26 **Article – Business Regulation**

27 2–106.1.

1 (c) (2) The Comptroller shall distribute the fees to the [fund] **FUND**.

2 (d) The [fund] **FUND** shall be used to cover the actual documented direct and
3 indirect costs of fulfilling the statutory and regulatory duties of each occupational and
4 professional licensing board described in subsection (a) of this section.

5 (e) The Secretary or a designee of the Secretary shall administer the [fund]
6 **FUND**.

7 (f) The Legislative Auditor shall audit the accounts and transactions of the
8 [fund] **FUND** as provided in § 2–1220 of the State Government Article.

9 DRAFTER’S NOTE:

10 Error: Capitalization error in § 2–106.1(c)(2), (d), (e), and (f) of the Business
11 Regulation Article.

12 Occurred: Ch. 227, Acts of 2003.

13 8–707.

14 (b) (1) To qualify for a license, an applicant shall meet the requirements
15 of this [section] **SUBTITLE**.

16 DRAFTER’S NOTE:

17 Error: Erroneous internal reference in § 8–707(b)(1) of the Business Regulation
18 Article.

19 Occurred: Ch. 537, Acts of 2008.

20 16–501.

21 (f) “Licensed wholesaler” means a wholesaler who is licensed under Title 16,
22 Subtitle [2,] **2** of this article to act as a wholesaler and any person who is an
23 authorized agent of the licensed wholesaler for the stamping and distribution of
24 cigarettes.

25 DRAFTER’S NOTE:

26 Error: Extraneous comma in § 16–501(f) of the Business Regulation Article.

27 Occurred: Ch. 455, Acts of 2003.

28 **Article – Corporations and Associations**

29 4A–1002.

1 (b) In order to register, a foreign limited liability company shall submit to
 2 the Department an application for registration as a foreign limited liability company
 3 executed by an authorized person and setting forth:

4 (5) A statement that the Department is appointed as the resident
 5 agent of the foreign limited liability company if no resident agent has been appointed
 6 under [paragraph] ITEM (4) of this subsection or, if appointed, the resident agent's
 7 authority has been revoked or if the agent cannot be found or served with the exercise
 8 of reasonable diligence;

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 4A-1002(b)(5) of the Corporations and Associations
 11 Article.

12 Occurred: Ch. 536, Acts of 1992.

13 **Article – Correctional Services**

14 **SUBTITLE 5. TASK FORCE ON PRISONER REENTRY.**

15 2-501.

16 (b) The Task Force consists of the following members:

17 (9) the following members, who shall serve ex officio:

18 (vii) the Commissioner of Correction, or the Commissioner's
 19 designee; [and]

20 DRAFTER'S NOTE:

21 Error: Omitted subtitle designation immediately preceding § 2-501 and
 22 extraneous conjunction in § 2-501(b)(9)(vii) of the Correctional Services Article.

23 Occurred: Ch. 625, Acts of 2009.

24 **Article – Courts and Judicial Proceedings**

25 1-708.

26 (b) (4) The term of a member is 6 years, commencing July 1, 1980, and
 27 until the member's successor is appointed. However, of the members first appointed to
 28 the Commission, the Governor shall designate[,] one of the members nominated by the
 29 President of the Senate to serve for 3 years and one for 6 years; one of the members
 30 nominated by the Speaker to serve for 4 years and one for 5 years; the member

1 nominated by the Maryland State Bar Association, Inc., to serve for 3 years; and one of
2 the members at large to serve for 2 years, and one for 6 years. A member is eligible for
3 reappointment.

4 DRAFTER'S NOTE:

5 Error: Extraneous comma in § 1-708(b)(4) of the Courts and Judicial
6 Proceedings Article.

7 Occurred: Ch. 717, Acts of 1980.

8 3-8A-27.

9 (b) (4) (i) The Department of Juvenile Services may provide access to
10 and the confidential use of a treatment plan of a child described under Title 10,
11 Subtitle 2 of the Criminal Procedure Article by an agency in the District of Columbia
12 or a state agency in Virginia, if the agency:

13 1. Performs the same functions in the jurisdiction of the
14 agency as described in § 9-216(a) of the Human Services Article; [and]

15 2. Has a reciprocal agreement with the State that
16 provides that the specific information to be shared by the State is the same type of
17 information that will be shared by the agency; and

18 3. Has custody of the child.

19 DRAFTER'S NOTE:

20 Error: Extraneous conjunction in § 3-8A-27(b)(4)(i)1 of the Courts and Judicial
21 Proceedings Article.

22 Occurred: Ch. 486, Acts of 2009.

23 4-301.

24 (a) Except as provided in §§ 3-803[,] AND 3-8A-03[,] OF THIS ARTICLE and
25 4-302 of this [article] SUBTITLE, the District Court has exclusive original jurisdiction
26 in a criminal case in which a person at least 16 years old or a corporation is charged
27 with violation of the vehicle laws, or the State Boat Act, or regulations adopted
28 pursuant to the vehicle laws or State Boat Act.

29 DRAFTER'S NOTE:

30 Error: Erroneous internal reference in § 4-301(a) of the Courts and Judicial
31 Proceedings Article.

1 Occurred: Ch. 415, Acts of 2001.

2 **Article – Criminal Law**

3 8–301.

4 (k) Notwithstanding any other law, the Department of State Police may
5 initiate investigations and enforce this section throughout the State without regard to
6 any limitation otherwise applicable to [that department’s] **THE DEPARTMENT’S**
7 activities in a municipal corporation or other political subdivision.

8 **DRAFTER’S NOTE:**

9 Error: Stylistic and capitalization errors in § 8–301(k) of the Criminal Law
10 Article.

11 Occurred: Ch. 509, Acts of 2002.

12 8–801.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Deception” has the meaning stated in § 7–101 of this article.

15 (3) “Deprive” has the meaning stated in § 7–101 of this article.

16 (4) “Obtain” has the meaning stated in § 7–101 of this article.

17 (5) “Property” has the meaning stated in § 7–101 of this article.

18 (6) [“Value” has the meaning stated in § 7–103 of this article.

19 (7)] (i) “Undue influence” means domination and influence
20 amounting to force and coercion exercised by another person to such an extent that a
21 vulnerable adult or an individual at least 68 years old was prevented from exercising
22 free judgment and choice.

23 (ii) “Undue influence” does not include the normal influence
24 that one member of a family has over another member of the family.

25 **(7) “VALUE” HAS THE MEANING STATED IN § 7–103 OF THIS**
26 **ARTICLE.**

27 (8) “Vulnerable adult” has the meaning stated in § 3–604 of this
28 article.

29 **DRAFTER’S NOTE:**

1 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
2 8–801(a) of the Criminal Law Article.

3 Occurred: Chs. 479 and 480, Acts of 2002.

4 **Article – Criminal Procedure**

5 5–202.

6 (e) (2) A judge may allow the pretrial release of a defendant described in
7 paragraph (1) of this subsection on:

8 (i) suitable bail;

9 (ii) any other conditions that will reasonably ensure that the
10 defendant will not flee or pose a danger to another person or the community; or

11 (iii) both bail and other conditions described under
12 [subparagraph (ii)] **ITEM (II)** of this paragraph.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 5–202(e)(2)(iii) of the Criminal Procedure Article.

15 Occurred: Ch. 10, Acts of 2001.

16 **Article – Economic Development**

17 10–445.

18 (b) “CENTR Maryland Program” or “Program” means the Coordinating
19 Emerging Nanobiotechnology Research **IN MARYLAND** Program established under §
20 10–447 of this subtitle.

21 DRAFTER'S NOTE:

22 Error: Misnomer in § 10–445(b) of the Economic Development Article.

23 Occurred: Chs. 445 and 446, Acts of 2008.

24 10–449.

25 (b) Within the CENTR Maryland Program, the Corporation may award
26 operating grants from the Fund to institutions of higher education that shall include:

1 (c) School board district II consists of:

2 (6) That part of election district 16, precinct 1 that is [within]
3 **OUTSIDE** the municipal boundary of the City of Hyattsville as that boundary existed
4 on November 1, 2006;

5 (d) School board district III consists of:

6 (4) That part of election district 16, precinct 1 that is [outside]
7 **WITHIN** the municipal boundary of the City of Hyattsville **AND THAT PART THAT IS**
8 **GENERALLY SOUTH OF THE MUNICIPAL BOUNDARY OF HYATTSVILLE AND**
9 **NORTH OF THE MUNICIPAL BOUNDARY OF COTTAGE CITY** as that boundary
10 existed on November 1, 2006.

11 (e) School board district IV consists of:

12 (1) Election district 2, precincts 1 through [4] **4**, [and] 6 through [10]
13 **10, AND 99**;

14 (2) Election district 13, precincts 1 through 3, 8, 14, and 17;

15 (3) Election district 14, precinct 2;

16 (4) Election district 16, precinct 99;

17 (5) Election district 18, precincts 5 and 12;

18 (6) **ELECTION DISTRICT 20, PRECINCTS 4, 7, 8, 9, AND 11**;

19 (7) That part of election district 2, precinct 5 that is outside the
20 municipal boundary of the Town of Edmonston as that boundary existed on September
21 1, 2002;

22 [(7)] (8) That part of election district 19, precinct 4 that is outside
23 the municipal boundary of the Town of Riverdale Park as that boundary existed on
24 September 1, 2002; and

25 [(8)] (9) That part of election district 20, precinct 2 that is outside
26 the municipal boundary of the City of New Carrollton as that boundary existed on
27 January 30, 2006.

28 **DRAFTER'S NOTE:**

29 Error: Omitted and erroneous language in § 3-1001(c)(6), (d)(4), and (e) of the
30 Education Article.

1 Occurred: Chs. 348 and 349, Acts of 2008.

2 5–206.

3 (f) (2) The funding level for a county is:

4 (iii) Except as provided in paragraph (3) of this subsection, in
5 fiscal year 2013 and in each fiscal year thereafter, the funding level for the county for
6 the prior fiscal year increased by the product of the funding level for the county for the
7 prior fiscal year and the percentage change in the Consumer Price Index — [all urban
8 consumers — all items,] **(ALL URBAN CONSUMERS — ALL ITEMS)**, as published by
9 the Bureau of Labor Statistics of the United States Department of Labor, for the
10 second prior fiscal year.

11 (3) If the funding level calculated under paragraph [(2)(ii)] **(2)(III)** of
12 this subsection is less than the funding level for the prior fiscal year, the funding level
13 for the county shall be the funding level for the prior fiscal year.

14 DRAFTER'S NOTE:

15 Error: Capitalization error and stylistic error in § 5–206(f)(2)(iii) and (3),
16 respectively, of the Education Article.

17 Occurred: Ch. 252, Acts of 2006; as a result of Ch. 487, Acts of 2009.

18 5–401.

19 (b) (2) (ii) Each county board shall submit an update to the plan
20 required under [paragraph (2)(i) of this subsection] **SUBPARAGRAPH (I) OF THIS**
21 **PARAGRAPH** for review and approval by the State Superintendent of Schools on or
22 before:

23 1. October 15, 2008; and

24 2. October 15, 2009.

25 DRAFTER'S NOTE:

26 Error: Stylistic error in § 5–401(b)(2)(ii) of the Education Article.

27 Occurred: Ch. 652, Acts of 2007.

28 7–426.1.

29 (e) If a child has authority to self-administer medication in accordance with
30 subsection [(e)] **(B)(3)** of this section, a local county board may require the parent or

1 guardian of the child to sign a statement acknowledging that the school or its
2 employee incurs no liability as a result of injury arising from self-administration by
3 the child.

4 DRAFTER'S NOTE:

5 Error: Erroneous internal reference in § 7-426.1(e) of the Education Article.

6 Occurred: Ch. 652, Acts of 2009. Correction suggested by the Attorney General
7 in the Bill Review Letter for H.B. 26 of 2009 (footnote 25), dated May 1, 2009.

8 8-401.

9 (a) (4) ["Special education" means specially designed instruction, at no
10 cost to parents, to meet the unique needs of a child with a disability, including:

11 (i) Instruction in the classroom, in the home, in hospitals and
12 institutions, and in other settings; and

13 (ii) Instruction in physical education.

14 (5) (i) "Related services" means transportation and such
15 developmental, corrective, and other supportive services as may be required to assist a
16 child with a disability to benefit from special education.

17 (ii) "Related services" includes the early identification and
18 assessment of disabling conditions in children.

19 (iii) "Related services" does not include a surgically implanted
20 medical device or the replacement of the device.

21 (5) "SPECIAL EDUCATION" MEANS SPECIALLY DESIGNED
22 INSTRUCTION, AT NO COST TO PARENTS, TO MEET THE UNIQUE NEEDS OF A
23 CHILD WITH A DISABILITY, INCLUDING:

24 (I) INSTRUCTION IN THE CLASSROOM, IN THE HOME, IN
25 HOSPITALS AND INSTITUTIONS, AND IN OTHER SETTINGS; AND

26 (II) INSTRUCTION IN PHYSICAL EDUCATION.

27 DRAFTER'S NOTE:

28 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
29 8-401(a)(4) and (5) of the Education Article.

30 Occurred: Ch. 726, Acts of 1998.

1 11–206.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 [(1)] (2) “Public institution of higher education” means:

4 (i) A public senior higher education institution; and

5 (ii) A community college.

6 [(2)] (3) “Nonpublic institution of higher education” means a
7 regionally accredited institution of higher education eligible for aid under § 17–103 of
8 this article.

9 DRAFTER’S NOTE:

10 Error: Stylistic error in § 11–206.1(a) of the Education Article.

11 Occurred: Ch. 311, Acts of 2004.

12 11–305.

13 Performance accountability plans developed under this subtitle shall:

14 (4) In the case of [senior] public **SENIOR** higher education
15 institutions, designate a set of peer institutions to which the institution’s performance
16 will be compared; and

17 DRAFTER’S NOTE:

18 Error: Misnomer in § 11–305(4) of the Education Article.

19 Occurred: Ch. 246, Acts of 1988.

20 18–601.

21 (d) A person may apply to an eligible postsecondary institution for a
22 scholarship under this section if the person:

23 (3) (ii) Was a prisoner of war **OR MISSING IN ACTION, IF THAT**
24 **OCCURRED** on or after January 1, 1960, as a result of the Vietnam conflict and was a
25 resident of this State at the time the person was declared to be a prisoner of war or
26 missing in action;

27 DRAFTER’S NOTE:

28 Error: Omitted language in § 18–601(d)(3)(ii) of the Education Article.

1 Occurred: Ch. 221, Acts of 1990. Correction suggested by the Office of the
2 Attorney General, Counsel to the General Assembly.

3 18–705.

4 (a) (5) “Eligible program” means a program approved by the Office and
5 offered by an eligible institution that provides studies leading to:

6 (i) A child development associate credential from the child
7 development associate consortium; [or]

8 DRAFTER’S NOTE:

9 Error: Extraneous conjunction in § 18–705(a)(5)(i) of the Education Article.

10 Occurred: Ch. 462, Acts of 1991.

11 Article – Election Law

12 2–205.

13 (b) (2) (ii) In Baltimore County, the counsel may not be compensated
14 less than \$2,000 **ANNUALLY**.

15 DRAFTER’S NOTE:

16 Error: Omitted word in § 2–205(b)(2)(ii) of the Election Law Article.

17 Occurred: Ch. 291, Acts of 2002.

18 2–206.

19 Subject to the requirements of this article and the policies and guidance of the
20 local board, the election director may:

21 (1) appoint the employees of the local board;

22 (2) train judges of election;

23 (3) give notice of elections;

24 (4) upon the request of an elderly or disabled voter whose polling place
25 is not structurally barrier free, provide an alternate polling place to the voter;

26 (5) issue voter acknowledgment notices and voter notification cards;

- 1 (6) receive certificates of candidacy;
- 2 (7) verify [nominating] petitions;
- 3 (8) [receive and maintain campaign finance reports;
- 4 (9)] in consultation with the local board, conduct the canvass following
- 5 an election; and
- 6 [(10)] (9) subject to § 9–306 of this article, process and reject absentee
- 7 ballot applications.

8 DRAFTER’S NOTE:

9 Error: Erroneous language in § 2–206(7) and obsolete language in § 2–206(8) of

10 the Election Law Article.

11 Occurred: As a result of Ch. 291, Acts of 2002, which required the State Board of

12 Elections, by regulation, to establish the process to be followed by election authorities

13 for verifying and counting signatures on all petitions, not just “nominating” petitions;

14 as a result of Ch. 510, Acts of 2006, which eliminated non–continuing campaign

15 finance entities and, thus, the local filing of campaign finance reports.

16 3–101.

17 (c) The State Administrator shall:

18 (3) instruct the local boards on:

19 (i) processing voter registration applications and name and

20 address changes;

21 (ii) entering voter registration information into the statewide

22 voter registration list; and

23 (iii) removing from the statewide voter registration list

24 information about voters who are no longer eligible to be registered [voters.] **VOTERS;**

25 **AND**

26 (4) [Subject] **SUBJECT** to relevant federal law and to regulations

27 adopted by the State Board, establish and conduct a program to identify voters who

28 have changed their addresses.

29 DRAFTER’S NOTE:

30 Error: Incorrect punctuation and omitted conjunction in § 3–101(c)(3)(iii) and

31 stylistic error in § 3–101(c)(4) of the Election Law Article.

1 Occurred: Ch. 572, Acts of 2005.

2 3-501.

3 An election director may remove a voter from the statewide voter registration
4 list only:

5 (2) upon determining, based on information provided pursuant to
6 ~~[\S 3-503]~~ **\S 3-504** of this subtitle, that the voter is no longer eligible because:

7 (i) the voter is not qualified to be a registered voter as provided
8 in \S 3-102(b) of this title; or

9 (ii) the voter is deceased;

10 (4) if, in accordance with the administrative complaint process under
11 \S 3-602 of this title, the ~~[local board]~~ **STATE ADMINISTRATOR OR THE STATE**
12 **ADMINISTRATOR'S DESIGNEE** has determined that the voter is not qualified to be
13 registered to vote.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in \S 3-501(2) and erroneous entity designation
16 in \S 3-501(4) of the Election Law Article.

17 Occurred: Ch. 572, Acts of 2005; Ch. 354, Acts of 2006.

18 4-203.

19 (f) (2) For each of those two party central committees:

20 (i) two members are elected from each of the legislative
21 districts that lie wholly within Montgomery County;

22 (ii) one member is elected from the Montgomery County part of
23 each legislative district ~~[which]~~ **THAT** is partially within Montgomery County; and

24 (iii) the remainder shall be elected at large.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in \S 4-203(f)(2)(ii) of the Election Law Article.

27 Occurred: Ch. 291, Acts of 2002.

28 9-406.

1 (b) An individual rendering assistance under this section shall execute a
2 certification as prescribed by the State Board and included in the instructions under
3 ~~§ 9–408~~ **§ 9–407** of this subtitle.

4 DRAFTER’S NOTE:

5 Error: Erroneous cross–reference in § 9–406(b) of the Election Law Article.

6 Occurred: Ch. 291, Acts of 2002.

7 13–209.

8 (c) (1) To join a slate, a candidate shall file a written notice with the
9 ~~[board where the candidate filed a certificate of candidacy]~~ **STATE BOARD**.

10 DRAFTER’S NOTE:

11 Error: Erroneous entity designation in § 13–209(c)(1) of the Election Law
12 Article.

13 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
14 campaign finance entities and, thus, the local filing of campaign finance reports.

15 13–304.

16 (a) (1) From the date of its organization until its termination under the
17 provisions of this title, a campaign finance entity, except a political club, shall file a
18 campaign finance report **AT THE STATE BOARD** at the ~~[times,]~~ **TIMES AND** for the
19 ~~[periods,]~~ **PERIODS** ~~[and at the locations]~~ required by §§ 13–309, 13–312, and 13–316
20 of this subtitle.

21 DRAFTER’S NOTE:

22 Error: Erroneous entity designation in § 13–304(a)(1) of the Election Law
23 Article.

24 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
25 campaign finance entities and, thus, the local filing of campaign finance reports.

26 ~~[13–317.~~

27 All campaign finance reports filed with a local board shall be filed in duplicate.]

28 DRAFTER’S NOTE:

29 Error: Obsolete provision in § 13–317 of the Election Law Article.

1 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
2 campaign finance entities and, thus, the local filing of campaign finance reports.

3 13–321.

4 (a) (1) In accordance with paragraph (2) of this subsection, [each board]
5 **THE STATE BOARD** shall notify each campaign finance entity that is required under
6 this subtitle to file campaign finance reports [with that board] of each campaign
7 finance report required to be filed by that entity.

8 (2) The notice shall be provided by first class mail at least 10 but not
9 more than 20 days before the filing date for each campaign finance report.

10 (b) The notice required under subsection (a) of this section shall include:

11 (1) the filing date;

12 (2) the telephone number, business hours, and location of the [board
13 where the campaign finance report is to be filed] **STATE BOARD**; and

14 (3) the penalty for failure to file a timely campaign finance report.

15 DRAFTER’S NOTE:

16 Error: Erroneous entity designation in § 13–321(a)(1) and (b)(2) of the Election
17 Law Article.

18 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
19 campaign finance entities and, thus, the local filing of campaign finance reports.
20 Consequently, the notice requirements under § 13–321 are the responsibility of the
21 State Board.

22 13–322.

23 A campaign finance report is timely if:

24 (2) it is received by the State Board [or the local board with which it is
25 required to be filed] within 3 days after the filing deadline and a private postal meter
26 postmark or a receipt by a private carrier verifies that the campaign finance report
27 was mailed or delivered to the private carrier on or before the filing deadline.

28 DRAFTER’S NOTE:

29 Error: Obsolete language in § 13–322(2) of the Election Law Article.

1 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
2 campaign finance entities and, thus, the local filing of campaign finance reports.

3 13–328.

4 (a) [(1)] Within 10 days after the deadline for the filing of any campaign
5 finance report that is required to be filed with the State Board, the State Board shall
6 compile a list of the campaign finance entities that failed to file the campaign finance
7 report and distribute the list, or a portion of the list, to such local boards as is required
8 to implement this subtitle.

9 [(2)] Within 10 days after the deadline for the filing of any campaign
10 finance report that is required to be filed with a local board, the local board shall
11 compile a list of the campaign finance entities that failed to file the campaign finance
12 report and transmit the list to the State Board.]

13 [(c) (1)] This subsection applies only to a failure to file a campaign finance
14 report as specified in § 13–327 of this subtitle.

15 [(2)] A local board promptly shall notify the State Board of any
16 campaign finance report that is more than 30 days overdue to be filed with that local
17 board.]

18 DRAFTER’S NOTE:

19 Error: Obsolete provisions in § 13–328(a)(2) and (c) of the Election Law Article.

20 Occurred: As a result of Ch. 510, Acts of 2006, which eliminated non–continuing
21 campaign finance entities and, thus, the local filing of campaign finance reports.
22 Consequently, provisions relating to the reporting and notice responsibilities of the
23 local boards of elections are obsolete.

24 Article – Environment

25 1–701.

26 (g) (3) A member of the Commission:

27 (i) May not receive compensation **AS A MEMBER OF THE**
28 **COMMISSION**; but

29 DRAFTER’S NOTE:

30 Error: Omitted words in § 1–701(g)(3)(i) of the Environment Article.

31 Occurred: Ch. 460, Acts of 2003.

1 3–105.

2 (a) (3) (ii) This paragraph does not apply in **BALTIMORE CITY OR**
3 Allegany, Anne Arundel, [Baltimore City,] Calvert, Charles, Garrett, Howard,
4 Montgomery, St. Mary’s, and Washington counties.

5 DRAFTER’S NOTE:

6 Error: Grammatical error in § 3–105(a)(3)(ii) of the Environment Article.

7 Occurred: Ch. 338, Acts of 1983.

8 9–658.

9 (c) (1) The Dorchester County Sanitary Commission may make the levy of
10 a benefit assessment effective on **THE DATE ON WHICH:**

11 (i) The [date on which the] construction is substantially
12 completed; or

13 (ii) The system is in use for the project for which the benefit
14 assessment is made.

15 DRAFTER’S NOTE:

16 Error: Misplaced words in § 9–658(c)(1) of the Environment Article.

17 Occurred: Ch. 511, Acts of 1986.

18 9–1703.

19 (d) A county that achieves a reduction of at least 5 percent in the volume of
20 its waste through the utilization of 1 or more resource recovery facilities in operation
21 as of [January 1, 1988] **JANUARY 1, 1988**, shall be considered to have achieved a
22 reduction by recycling of 5 percent of its solid waste stream.

23 DRAFTER’S NOTE:

24 Error: Omitted comma in § 9–1703(d) of the Environment Article.

25 Occurred: Ch. 536, Acts of 1988.

26 15–823.

27 (c) Liability under the bond shall be for the duration of the mining permit
28 and for a period of [five] **5** years after its expiration, unless previously released in
29 whole or in part, as provided in § 15–824 of this subtitle.

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 15–823(c) of the Environment Article.

3 Occurred: Ch. 581, Acts of 1975.

4 **Article – Estates and Trusts**

5 13–207.

6 (a) Persons are entitled to appointment as guardian for a minor or disabled
7 person according to the following priorities:

8 (9) A person or corporation nominated by a governmental agency
9 which is paying benefits to him; **AND**

10 DRAFTER'S NOTE:

11 Error: Omitted conjunction in § 13–207(a)(9) of the Estates and Trusts Article.

12 Occurred: Ch. 11, Acts of 1974.

13 **Article – Family Law**

14 5–580.3.

15 (a) (2) Each employee, as defined in § 5–560 of this subtitle, of a child care
16 center that is required to be licensed or to hold a letter of compliance under this
17 subtitle shall apply to the Department **OF HUMAN RESOURCES**, on or before the first
18 day of actual employment, for a child abuse and neglect clearance.

19 DRAFTER'S NOTE:

20 Error: Erroneous reference in § 5–580.3(a)(2) of the Family Law Article.

21 Occurred: As a result of Ch. 585, Acts of 2005 and publisher changes ratified in
22 Ch. 44, Acts of 2006. Correction recommended by Assistant Attorney General Kathryn
23 M. Rowe, Office of the Counsel to the General Assembly, in memo dated November 6,
24 2009.

25 10–301.

26 (v) (2) “State” includes:

27 (ii) a foreign country or political subdivision that has:

1 2. established a reciprocal arrangement for child support
2 with this State as provided in § 10–320 **OF THIS SUBTITLE**; or

3 DRAFTER’S NOTE:

4 Error: Stylistic error in § 10–301(v)(2)(ii)2 of the Family Law Article.

5 Occurred: Ch. 522, Acts of 2008.

6 10–304.

7 (b) The bases of personal jurisdiction set forth in subsection (a) of this section
8 or in any other law of this State may not be used to acquire personal jurisdiction for a
9 tribunal of the State to modify a child support order of another state unless the
10 requirements of §§ 10–350 and 10–353.1 **OF THIS SUBTITLE** are met.

11 DRAFTER’S NOTE:

12 Error: Stylistic error in § 10–304(b) of the Family Law Article.

13 Occurred: Ch. 522, Acts of 2008.

14 **Article – Financial Institutions**

15 2–113.

16 (d) Except as provided in § 2–117 of this subtitle, the provisions of §§ 2–114
17 through 2–117, inclusive, of this subtitle do not apply to:

18 (4) An affiliate of an institution described in [paragraph] **ITEM** (1), (2),
19 or (3) of this subsection.

20 DRAFTER’S NOTE:

21 Error: Stylistic error in § 2–113(d)(4) of the Financial Institutions Article.

22 Occurred: Ch. 633, Acts of 2000.

23 4–803.

24 (e) Within 3 months after the application for approval of reorganization is
25 filed for examination, the Commissioner shall approve or reject the application. The
26 Commissioner may not approve the application unless the Commissioner determines:

27 (2) That if the reorganization is pursuant to an acquisition by the
28 mutual holding company of all the stock of a savings and loan association:

1 (ii) The mutual holding company agrees to obtain federal
2 insurance for the deposits of the acquired savings and loan ASSOCIATION within the
3 time limitation imposed by the Commissioner;

4 DRAFTER'S NOTE:

5 Error: Omitted word in § 4-803(e)(2)(ii) of the Financial Institutions Article.

6 Occurred: Ch. 355, Acts of 1986.

7 5-203.

8 (b) (2) If a banking institution is not in the business of accepting deposits
9 or retaining funds in a deposit account as defined in § 5-509 of this [article] TITLE,
10 the Commissioner shall assess the banking institution the sum of:

11 (i) \$5,000; plus

12 (ii) 1. 0.3 cents for each \$1,000 of managed assets held in a
13 fiduciary capacity up to \$5,000,000,000;

14 2. 0.2 cents for each \$1,000 of managed assets held in a
15 fiduciary capacity over \$5,000,000,000, but not more than \$20,000,000,000;

16 3. 0.1 cent for each \$1,000 of managed assets held in a
17 fiduciary capacity over \$20,000,000,000 up to \$27,500,000,000;

18 4. 0.2 cents for each \$1,000 of nonmanaged and custodial
19 assets held in a fiduciary capacity up to \$5,000,000,000; and

20 5. 0.1 cent for each \$1,000 of nonmanaged and custodial
21 assets held in a fiduciary capacity over \$5,000,000,000 up to \$20,000,000,000.

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 5-203(b)(2) of the Financial Institutions Article.

24 Occurred: Ch. 293, Acts of 2008.

25 11-601.

26 (c) "Clerical or support duties" [include] **INCLUDES** the following activities
27 relating to the processing or underwriting of a mortgage loan when performed
28 subsequent to the receipt of a loan application:

29 (1) The receipt, collection, distribution, and analysis of information
30 usual and customary for the processing or underwriting of a mortgage loan; and

1 the most recent statistics available through the Department of Health and Mental
2 Hygiene.

3 DRAFTER'S NOTE:

4 Error: Capitalization error in § 2–302(b)(2)(i) of the Health – General Article.

5 Occurred: Ch. 504, Acts of 1995.

6 4–224.

7 To protect the integrity of vital records, to [insure] **ENSURE** their proper use,
8 and to [insure] **ENSURE** the efficient and proper administration of the vital records
9 system, a person may not, except as authorized in § 4–217, § 4–220, § 4–221, or §
10 4–222 of this subtitle or § 9–1015 of the State Government Article or by the rules and
11 regulations of the Department:

12 (1) Permit inspection of or disclose any information contained in a
13 vital record; or

14 (2) Copy or issue a copy of all or part of any vital record.

15 DRAFTER'S NOTE:

16 Error: Incorrect word usage in § 4–224 of the Health – General Article.

17 Occurred: Ch. 21, Acts of 1982.

18 4–301.

19 (k) “Person in interest” means:

20 (5) If [paragraph] **ITEM** (4) of this subsection does not apply to a
21 minor:

22 (i) A parent of the minor, except if the parent’s authority to
23 consent to health care for the minor has been specifically limited by a court order or a
24 valid separation agreement entered into by the parents of the minor; or

25 (ii) A person authorized to consent to health care for the minor
26 consistent with the authority granted; or

27 (6) An attorney appointed in writing by a person listed in [paragraph]
28 **ITEM** (1), (2), (3), (4), or (5) of this subsection.

29 DRAFTER'S NOTE:

1 Error: Stylistic error in § 4–301(k)(5) and (6) of the Health – General Article.

2 Occurred: Ch. 55, Acts of 1991.

3 5–310.

4 (d) (2) (v) The appellant may appeal a rejection under subparagraph
5 (iv)2 **OF THIS PARAGRAPH** to a circuit court of competent jurisdiction.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 5–310(d)(2)(v) of the Health – General Article.

8 Occurred: Ch. 547, Acts of 1992.

9 5–609.

10 (d) An advance directive made in accordance with this subtitle shall be
11 presumed to have been made voluntarily by a competent individual. Authorization for
12 the provision, [withholding] **WITHHOLDING**, or withdrawal of life–sustaining
13 procedures in accordance with this subtitle shall be presumed to have been made in
14 good faith.

15 DRAFTER’S NOTE:

16 Error: Omitted comma in § 5–609(d) of the Health – General Article.

17 Occurred: Ch. 372, Acts of 1993.

18 5–704.

19 (a) The purpose of the State Team is to prevent child deaths by:

20 (2) Developing plans for and implementing changes within the
21 agencies represented on the **STATE** Team to prevent child deaths; and

22 DRAFTER’S NOTE:

23 Error: Omitted word in § 5–704(a)(2) of the Health – General Article.

24 Occurred: Chs. 355 and 356, Acts of 1999.

25 7–403.

26 (b) Within 60 days after the Department receives an application for services
27 for an individual, the Secretary, on the basis of the application, shall:

1 (2) If a positive determination is made under item [(i) or (ii) of
2 paragraph (1)] **(1)(I) OR (II)** of this subsection:

3 (i) Approve the application;

4 (ii) Determine the nature of the disability;

5 (iii) Determine the nature of services that the individual may
6 require;

7 (iv) Determine the type of environment in which any needed
8 services could be provided with the least restriction on the liberty of the individual;

9 (v) Determine what types of evaluations, if any, the individual
10 requires;

11 (vi) Inform the individual of these determinations; and

12 (vii) Inform the individual that these determinations are
13 preliminary and may be subject to modification as a result of further evaluation.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 7-403(b)(2) of the Health – General Article.

16 Occurred: Chs. 636 and 637, Acts of 1986.

17 7-602.

18 (c) “Public group home” means a group home that is owned by or leased to
19 [this] **THE** State or a political subdivision of [this] **THE** State, whether or not this
20 group home is maintained and operated by a private, nonprofit person.

21 DRAFTER'S NOTE:

22 Error: Stylistic errors in § 7-602(c) of the Health – General Article.

23 Occurred: Chs. 636 and 637, Acts of 1986.

24 7-604.

25 (a) The Secretary shall, in accordance with the State plan established under
26 Subtitle 3 of this title, determine the need, if any, for [1] **ONE** or more public group
27 homes for individuals with developmental disability in each county or multicounty
28 region of [this] **THE** State.

29 DRAFTER'S NOTE:

1 Error: Stylistic errors in § 7–604(a) of the Health – General Article.

2 Occurred: Chs. 636 and 637, Acts of 1986.

3 7–606.

4 (a) (1) If the Board of Public Works approves the site that has been
5 chosen by the Secretary, on a default by a county or counties, [this] **THE** State may:

6 (i) Acquire the site by lease or purchase, condemnation, or
7 otherwise; **AND**

8 (ii) Renovate a building or build a public group home that meets
9 the requirements of:

10 1. The State plan;

11 2. The regulations issued under § 7–904 of this title
12 relating to community–based residential services; and

13 3. The program accessibility requirements of the federal
14 regulations (45 C.F.R. §§ 84.21 through 84.23).

15 (2) Before acquiring the site, the Secretary shall give the governing
16 body for the county where the site is located and the community around the site notice
17 of the intention of [this] **THE** State to acquire and improve the site.

18 (b) Each public group home that is acquired under this section shall be
19 operated by:

20 (2) [This] **THE** State as a provider of last resort on an interim basis
21 until a suitable private operator can be found.

22 **DRAFTER’S NOTE:**

23 Error: Stylistic error in § 7–606(a)(1) and (2) and (b)(2) and missing conjunction
24 in § 7–606(a)(1)(i) of the Health – General Article.

25 Occurred: Chs. 636 and 637, Acts of 1986.

26 7–1006.

27 (c) (1) (vi) Subsequent to the initial written plan of habilitation for
28 individuals in State residential centers, the written plan of habilitation shall include
29 an annual update on the status and progress toward addressing and resolving the
30 barriers identified in subparagraph (vii)4 of this [subsection] **PARAGRAPH.**

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 7–1006(c)(1)(vi) of the Health – General Article.

3 Occurred: Ch. 396, Acts of 2005.

4 8–502.

5 (a) After a preliminary evaluation of an individual by the administrator or
6 the designee of the administrator, the individual may be admitted to the facility if it is
7 certified in writing that the individual:

8 (1) Has acute symptoms of alcohol or drug [intoxification]
9 **INTOXICATION** or withdrawal; and

10 DRAFTER'S NOTE:

11 Error: Incorrect word usage in § 8–502(a)(1) of the Health – General Article.

12 Occurred: Ch. 782, Acts of 1989.

13 10–208.

14 (a) (1) There is a [continuing] **CONTINUING**, nonlapsing Mental Hygiene
15 Community–Based Services Fund.

16 DRAFTER'S NOTE:

17 Error: Omitted comma in § 10–208(a)(1) of the Health – General Article.

18 Occurred: Ch. 401, Acts of 1994.

19 10–622.

20 (b) (1) The petition for emergency evaluation of an individual may be
21 made by:

22 (i) A physician, [a] psychologist, [a] clinical social worker, [a]
23 licensed clinical professional counselor, clinical nurse specialist in psychiatric and
24 mental health nursing, psychiatric nurse practitioner, [a] licensed clinical marriage
25 and family therapist, or [a] health officer or designee of a health officer who has
26 examined the individual;

27 DRAFTER'S NOTE:

28 Error: Extraneous articles in § 10–622(b)(1)(i) of the Health – General Article.

1 Occurred: Ch. 21, Acts of 1982; Ch. 270, Acts of 2001; Ch. 49, Acts of 2002; and
2 Ch. 43, Acts of 2008.

3 10–623.

4 (a) If the petitioner under Part IV of this subtitle is not a physician, [a]
5 psychologist, [a] clinical social worker, [a] licensed clinical professional counselor,
6 clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse
7 practitioner, [a] licensed clinical marriage and family therapist, [a] health officer or
8 designee of a health officer, or [a] peace officer, the petitioner shall present the
9 petition to the court for immediate review.

10 DRAFTER'S NOTE:

11 Error: Extraneous articles in § 10–623(a) of the Health – General Article.

12 Occurred: Ch. 21, Acts of 1982; Ch. 270, Acts of 2001; Ch. 49, Acts of 2002; and
13 Ch. 43, Acts of 2008.

14 10–624.

15 (a) (1) A peace officer shall take an emergency evaluatee to the nearest
16 emergency facility if the peace officer has a petition under Part IV of this subtitle that:

17 (ii) Is signed and submitted by a physician, [a] psychologist, [a]
18 clinical social worker, [a] licensed clinical professional counselor, clinical nurse
19 specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, [a]
20 licensed clinical marriage and family therapist, [a] health officer or designee of a
21 health officer, or [a] peace officer.

22 DRAFTER'S NOTE:

23 Error: Extraneous articles in § 10–624(a)(1)(ii) of the Health – General Article.

24 Occurred: Ch. 21, Acts of 1982; Ch. 270, Acts of 2001; Ch. 49, Acts of 2002; and
25 Ch. 43, Acts of 2008.

26 10–701.

27 (g) (3) After satisfying the provisions of paragraphs (1) and (2) of this
28 subsection, the executive director of the protection and advocacy agency, or the
29 executive director's designee, may pursue an investigation [and] AND, as part of that
30 investigation, shall continue to have access to the records of the individual whose
31 rights have been allegedly violated.

32 DRAFTER'S NOTE:

1 Error: Omitted comma in § 10–701(g)(3) of the Health – General Article.

2 Occurred: Ch. 429, Acts of 1984.

3 10–708.

4 (j) If a panel approves the administration of medication, the lay advisor
5 promptly shall:

6 (1) Inform the individual of the individual’s right to appeal the
7 decision under subsection (k) of this section;

8 (2) ~~[Insure]~~ **ENSURE** that the individual has access to a telephone as
9 provided under § 10–702(b) of this subtitle;

10 (3) If the individual requests a hearing, notify the chief executive
11 officer of the facility or the chief executive officer’s designee pursuant to subsection
12 (k)(1) of this section and give the individual written notice of the date, time, and
13 location of the hearing; **AND**

14 (4) Advise the individual of the provision for renewal of an approval
15 under subsection (m) of this section.

16 **DRAFTER’S NOTE:**

17 Error: Incorrect word usage in § 10–708(j)(2) and omitted conjunction in §
18 10–708(j)(3) of the Health – General Article.

19 Occurred: Ch. 385, Acts of 1991.

20 10–812.

21 (c) A dispute over a transfer of an individual from the Mental Hygiene
22 Administration to the Developmental Disabilities Administration shall be resolved, in
23 accordance with procedures that the Secretary sets, on request of:

24 (1) The Mental Hygiene Administration; **OR**

25 (2) The Developmental Disabilities Administration.

26 **DRAFTER’S NOTE:**

27 Error: Omitted conjunction in § 10–813(c)(1) of the Health – General Article.

28 Occurred: Chs. 636 and 637, Acts of 1986.

1 10–905.

2 Salaries for employees of community mental health programs that [this] **THE**
3 State funds and that the Department designates to serve a specific area may not be
4 less than salaries of State employees of a comparable grade and step at State facilities.

5 DRAFTER’S NOTE:

6 Error: Stylistic error in § 10–905 of the Health – General Article.

7 Occurred: Ch. 21, Acts of 1982.

8 13–1101.

9 (l) “Local health officer” means:

10 (1) The head of a county health department; or

11 (2) A person designated by the Department under [§ 13–1109(g) or §
12 13–1115(i)] **§ 13–1109(H) OR § 13–1115(F)** of this subtitle.

13 DRAFTER’S NOTE:

14 Error: Erroneous cross–references in § 13–1101(l)(2) of the Health – General
15 Article.

16 Occurred: Chs. 17 and 18, Acts of 2000.

17 13–1604.

18 The Advisory Council shall:

19 (1) Monitor trends in the provision of care to Marylanders with
20 life–limiting illnesses;

21 (2) Study the impact of State statutes, regulations, policies, and other
22 aspects of public policy on the provision of care at the end of life;

23 (3) Provide recommendations to the Office of the Attorney General,
24 the Department [of Health and Mental Hygiene], the Department of Aging, and other
25 agencies of State government with respect to their activities affecting the provision of
26 care at the end of life;

27 (4) Advise the [Maryland] General Assembly on legislative proposals
28 affecting the provision of care at the end of life;

1 (5) Participate in or otherwise promote public and professional
2 educational efforts concerning care at the end of life; and

3 (6) Carry out other duties as may be requested by the Governor or the
4 [Maryland] General Assembly.

5 DRAFTER'S NOTE:

6 Error: Stylistic errors in § 13–1604(3), (4), and (6) of the Health – General
7 Article.

8 Occurred: Ch. 265, Acts of 2002.

9 13–2702.

10 (a) Subject to the limitations of its budget, the Department:

11 (2) (ii) [The provision of] **SHALL PROVIDE** services through the
12 Mental Hygiene Administration or the Alcohol and Drug Abuse Administration [shall
13 be] based on eligibility and medical necessity criteria established by these
14 administrations; and

15 DRAFTER'S NOTE:

16 Error: Grammatical error in § 13–2702(a)(2)(ii) of the Health – General Article.

17 Occurred: Chs. 555 and 556, Acts of 2008.

18 14–401.

19 (k) “Routine activity” means any type of activity other than a specialized
20 activity as set forth in subsection [(e)(3)] **(G)(3)** of this section that is conducted for
21 children by a youth camp.

22 DRAFTER'S NOTE:

23 Error: Erroneous internal reference in § 14–401(k) of the Health – General
24 Article.

25 Occurred: As a result of Ch. 25, § 6, Acts of 2004.

26 15–103.

27 (e) By regulation, the Department shall adopt a methodology to ensure that
28 federally qualified health centers are paid reasonable [cost based] **COST-BASED**
29 reimbursement that is consistent with federal law.

1 DRAFTER'S NOTE:

2 Error: Omitted hyphen in § 15–103(e) of the Health – General Article.

3 Occurred: Ch. 314, Acts of 2001.

4 15–133.

5 (a) The State shall apply to the Health Care Financing Administration of the
6 United States Department of Health and Human Services for grants to assist states in
7 improving [home and] **HOME– AND** community–based service systems, including:

8 (1) Real choice system change grants;

9 (2) Nursing facility transition grants and “access housing” grants; and

10 (3) Community–based attendant services with consumer control
11 grants.

12 DRAFTER'S NOTE:

13 Error: Omitted hyphen in § 15–133(a) of the Health – General Article.

14 Occurred: Ch. 495, Acts of 2001.

15 15–201.

16 (c) (2) If the applicant **OR RECIPIENT** is a child under the age of 18
17 years, “family” means:

18 (i) The minor applicant's or recipient's parents; and

19 (ii) At the option of the minor applicant's or recipient's parents,
20 the minor applicant's or recipient's siblings.

21 DRAFTER'S NOTE:

22 Error: Omitted word in § 15–201(c)(2) of the Health – General Article.

23 Occurred: Ch. 44, Acts of 1992.

24 15–205.

25 (a) The Department shall, subject to § 2–1246 of the State Government
26 Article, provide the Governor and the General Assembly with an annual report
27 summarizing the Program expenditures, numbers of recipients, Program effectiveness,

1 the estimated savings to the **MARYLAND** Medical Assistance Program, additional
2 costs incurred by private insurance companies, and the loss of federal funding.

3 DRAFTER'S NOTE:

4 Error: Misnomer in § 15–205(a) of the Health – General Article.

5 Occurred: Ch. 188, Acts of 1990.

6 15–501.

7 (a) An individual who is eligible for medical assistance at the time of
8 application for admission to a licensed nursing home or would become eligible within 6
9 months following admission shall be provided a comprehensive face-to-face evaluation
10 prior to admission, at no charge to the individual. The Department, under the
11 Maryland Medical Assistance Program, shall pay for the evaluation. The evaluation
12 shall include an assessment of an individual's health, social and functional [status]
13 **STATUS**, and recommendations for available services [which] **THAT** could
14 appropriately substitute for nursing home care. The evaluation is advisory only and
15 may not serve as the basis for any action, including denial or commencement of
16 benefits, that restricts the freedom of any individual to select from among any of the
17 available services, including nursing home care, for which the individual is found to be
18 medically eligible. Prior to beginning the evaluation process and annually thereafter,
19 the Department shall prepare and publish an inventory of available services for use in
20 the evaluation and shall provide this information for assistance to the individual upon
21 completion of the evaluation.

22 DRAFTER'S NOTE:

23 Error: Omitted comma and grammatical error in § 15–501(a) of the Health –
24 General Article.

25 Occurred: Ch. 459, Acts of 1986.

26 18–213.

27 (j) A fire fighter, emergency medical technician, rescue squadman, law
28 enforcement officer, or correctional officer shall receive from their employers or local
29 governmental bodies, at the expense of the employer or local governmental body, as
30 part of their training, education on:

31 (2) The current Centers for Disease Control **AND PREVENTION**
32 guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering
33 emergency medical care.

34 (k) A fire fighter, emergency medical technician, rescue squadman, law
35 enforcement officer, or correctional officer shall receive from their employers,

1 associations, or local governmental bodies, at the employers', associations', or local
2 governmental bodies' expense, equipment recommended by the Centers for Disease
3 Control **AND PREVENTION** to protect a fire fighter, emergency medical technician,
4 rescue squadman, law enforcement officer, or correctional officer from exposure to HIV
5 and hepatitis B while rendering emergency medical care.

6 DRAFTER'S NOTE:

7 Error: Misnomer in § 18–213(j)(2) and (k) of the Health – General Article.

8 Occurred: As a result of changes in federal law enacted by P. L. 102–531 (1992).

9 18–213.1.

10 (h) A sworn member of the State Fire Marshal's office shall receive
11 from the State Fire Marshal's office, at the expense of the State Fire Marshal's office,
12 as part of the member's training, education on:

13 (2) The current Centers for Disease Control **AND PREVENTION**
14 guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering
15 emergency medical care.

16 (i) A sworn member of the State Fire Marshal's office shall receive from the
17 State Fire Marshal's office, at the State Fire Marshal's expense, equipment
18 recommended by the Centers for Disease Control **AND PREVENTION** to protect a
19 sworn member of the State Fire Marshal's office from exposure to HIV and hepatitis B
20 while rendering emergency medical care.

21 DRAFTER'S NOTE:

22 Error: Misnomer in § 18–213.1(h)(2) and (i) of the Health – General Article.

23 Occurred: As a result of changes in federal law enacted by P. L. 102–531 (1992).

24 18–308.

25 (e) A person who violates any provision of [subsections] **SUBSECTION (b)(2)**
26 or (d) of this section is guilty of a misdemeanor and on conviction is subject to a fine
27 not exceeding \$100 or imprisonment not exceeding 6 months or both.

28 DRAFTER'S NOTE:

29 Error: Grammatical error in § 18–308(e) of the Health – General Article.

30 Occurred: Ch. 21, § 2, Acts of 1982.

31 18–331.

1 (c) The Department shall report to the United States Centers for Disease
2 Control **AND PREVENTION** all information collected under subsection (a) of this
3 section, including that received under § 18–330(b) of this subtitle.

4 DRAFTER’S NOTE:

5 Error: Misnomer in § 18–331(c) of the Health – General Article.

6 Occurred: As a result of changes in federal law enacted by P. L. 102–531 (1992).
7 18–338.1.

8 (h) (1) Notwithstanding the provisions of [Subtitle 3 of Title 4] **TITLE 4,**
9 **SUBTITLE 3** of this article, the records, including any physician order for an HIV test
10 or the results of an HIV test performed on a blood sample of a patient or a health care
11 provider in accordance with the provisions of this section may not be documented in
12 the medical record of the patient or health care provider.

13 DRAFTER’S NOTE:

14 Error: Stylistic error in § 18–338.1(h)(1) of the Health – General Article.

15 Occurred: Ch. 535, Acts of 1991.

16 (l) The Medical and Chirurgical Faculty of the State of Maryland in
17 consultation with the Centers for Disease Control **AND PREVENTION**, the Maryland
18 Hospital Association, and the Department of Health and Mental Hygiene shall develop
19 a practice protocol for physicians who are infected with HIV.

20 DRAFTER’S NOTE:

21 Error: Misnomer in § 18–338.1(l) of the Health – General Article.

22 Occurred: As a result of changes in federal law enacted by P. L. 102–531 (1992).
23 18–338.3.

24 (a) (8) “Public safety worker” means:

25 (i) A career or volunteer member of a fire, rescue, or emergency
26 medical services department, company, squad, or auxiliary;

27 (ii) A law enforcement officer;

28 (iii) The State Fire Marshal or a sworn member of the State Fire
29 Marshal’s office; or

1 (iv) A forensic scientist [that] **WHO** works under the direction of
2 a law enforcement agency.

3 (b) Notwithstanding the provisions of § 18–338.1 of this subtitle, the
4 designated infectious disease/communicable disease officer of a hospital shall order a
5 test for the presence of antibodies to the human immunodeficiency virus (HIV) under
6 subsection (d) of this section when:

7 (1) There has been an exposure in a hospital between a patient and a
8 health care provider, an exposure between [the] **A** patient and a first responder, or an
9 exposure between a patient and a public safety worker before admission of the patient
10 to a hospital, that, in accordance with the Centers for Disease Control and Prevention
11 recommendations, would warrant recommending or offering chemoprophylaxis
12 treatment for the health care provider, first responder, or public safety worker;

13 **DRAFTER’S NOTE:**

14 Error: Grammatical errors in § 18–338.3(a)(8)(iv) and (b)(1) of the Health –
15 General Article.

16 Occurred: Ch. 227, Acts of 2007; Ch. 143, Acts of 2003.

17 18–404.

18 (e) A resident or employee is not required to receive a vaccine under this
19 section if:

20 (1) The vaccine is medically contraindicated for the resident or
21 employee;

22 (2) The vaccine is against the [resident] **RESIDENT’S** or employee’s
23 religious beliefs; or

24 (3) After being fully informed by the related institution of the health
25 risks associated with not receiving a vaccine, the resident or employee refuses the
26 vaccine.

27 **DRAFTER’S NOTE:**

28 Error: Grammatical error in § 18–404(e)(2) of the Health – General Article.

29 Occurred: Ch. 420, Acts of 2000.

30 18–906.

1 (b) (6) In the event that an individual cannot personally appear before the
2 court, proceedings may be conducted:

3 (i) By an individual's authorized representative; and

4 (ii) Through any means that [allows] **ALLOW** other individuals
5 to fully participate.

6 DRAFTER'S NOTE:

7 Error: Grammatical error in § 18-906(b)(6)(ii) of the Health – General Article.

8 Occurred: Ch. 1, Acts of 2002.

9 19-109.

10 (a) In addition to the powers set forth elsewhere in this subtitle, the
11 Commission may:

12 (3) Appoint advisory committees, which shall include consumers and
13 may include representatives of interested public or private organizations, to make
14 recommendations to the Commission on community-based services, [long term]
15 **LONG-TERM** care, acute patient services, ambulatory surgical services, specialized
16 health care services, residential treatment centers for emotionally disturbed children
17 and adolescents, mental health and alcohol and drug abuse services, and any other
18 topic or issue that the Commission considers necessary;

19 (b) In addition to the duties set forth elsewhere in this subtitle, the
20 Commission shall:

21 (4) Beginning December 1, 2000, and each December 1 thereafter,
22 submit to the Governor, [to] the Secretary, and, subject to § 2-1246 of the State
23 Government Article, [to] the General Assembly an annual report on the operations
24 and activities of the Commission during the preceding fiscal year, including:

25 (i) A copy of each summary, compilation, and supplementary
26 report required by this subtitle; and

27 (ii) Any other fact, suggestion, or policy recommendation that
28 the Commission considers necessary; and

29 DRAFTER'S NOTE:

30 Error: Omitted hyphen and extraneous language in § 19-109(a)(3) and (b)(4) of
31 the Health – General Article.

32 Occurred: Ch. 702, Acts of 1999.

1 19–214.

2 (d) (3) For the portion of the assessment under paragraph (1)(ii) of this
3 subsection:

4 (i) The Commission shall ensure that the assessment:

5 3. May not be less as a percentage of net patient revenue
6 than the assessment of [~~.8128%~~] **0.8128%** that was in existence on July 1, 2007; and

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 19–214(d)(3)(i)3 of the Health – General Article.

9 Occurred: Chs. 244 and 245, Acts of 2008.

10 19–303.

11 (a) (3) “Community benefit” means an activity that is intended to address
12 community needs and priorities primarily through disease prevention and
13 improvement of health status, including:

14 (ii) Financial or [~~in kind~~] **IN–KIND** support of public health
15 programs;

16 DRAFTER'S NOTE:

17 Error: Omitted hyphen in § 19–303(a)(3)(ii) of the Health – General Article.

18 Occurred: Ch. 178, Acts of 2001.

19 19–307.1.

20 The Department shall adopt regulations for a limited service hospital that
21 include the following standards:

22 (9) Adoption, implementation, and enforcement of a policy shall exist
23 that requires, except in an emergency life–threatening situation where it is not
24 feasible or practicable, compliance by all employees and medical staff involved in
25 patient care services with the Centers for Disease [~~Control's~~] **CONTROL AND**
26 **PREVENTION'S** guidelines on universal precautions; and

27 DRAFTER'S NOTE:

28 Error: Misnomer in § 19–307.1(9) of the Health – General Article.

1 Occurred: As a result of changes in federal law enacted by P. L. 102–531 (1992).
2 19–345.

3 (a) A resident of a facility may not be transferred or discharged from the
4 facility involuntarily except for the following reasons:

5 (4) The resident has failed, after reasonable and appropriate [notice]
6 NOTICE, to pay for, or under Medicare or Medicaid or [otherwise] OTHERWISE, to
7 have paid for[,] a stay at the facility; or

8 DRAFTER’S NOTE:

9 Error: Omitted comma and misplaced comma in § 19–345(a)(4) of the Health –
10 General Article.

11 Occurred: Ch. 547, Acts of 1995.

12 19–345.1.

13 (c) Except as otherwise provided in this section, at least 30 days before the
14 facility involuntarily transfers or discharges a [resident] RESIDENT, the facility shall:

15 (1) Provide to the resident the written notice required under
16 subsection (a) of this section; and

17 (2) Provide the written notice required under subsection (a) of this
18 section to:

19 (i) The next of kin, guardian, or any other individual known to
20 have acted as the individual’s representative, if any;

21 (ii) The Long–Term Care Ombudsman; and

22 (iii) The Department.

23 DRAFTER’S NOTE:

24 Error: Omitted comma in § 19–345.1(c) of the Health – General Article.

25 Occurred: Ch. 547, Acts of 1995.

26 (e) (2) If a facility discharges or transfers a resident under the provisions
27 of this [subsection] SUBSECTION, the facility shall provide reasonable notice of the
28 proposed discharge or transfer.

29 DRAFTER’S NOTE:

1 Error: Omitted comma in § 19–345.1(e)(2) of the Health – General Article.

2 Occurred: Ch. 547, Acts of 1995.

3 19–346.

4 (d) (3) A facility that is a related institution caring for individuals and
5 whose administrator or bookkeeper has control over or access to the funds of a resident
6 of the facility[,] shall [provide] **PROVIDE**, as determined by the Department, either:

7 (i) A bond in an amount the Department requires;

8 (ii) A letter of credit equal to 3 times the average yearly balance
9 of funds of all residents of the facility; or

10 (iii) Self–insurance if the net worth of the facility is at least 3
11 times the average yearly balance of funds of all residents of the facility.

12 DRAFTER’S NOTE:

13 Error: Misplaced comma in § 19–346(d)(3) of the Health – General Article.

14 Occurred: Ch. 309, Acts of 1986.

15 (n) (1) A person, including the legal representative of the resident, may
16 not use the assets or income of a resident for any purpose that is not authorized by the
17 resident, a [designee] **DESIGNEE**, or A legal representative, including a representative
18 payee of the resident.

19 DRAFTER’S NOTE:

20 Error: Incorrect punctuation and omitted article in § 19–346(n)(1) of the Health
21 – General Article.

22 Occurred: Ch. 547, Acts of 1995.

23 19–3A–02.

24 (b) The regulations shall require the freestanding medical facility to:

25 (4) (i) Comply, except in a life–threatening emergency in which
26 compliance is not feasible or practicable, with the federal Centers for Disease Control
27 **AND PREVENTION** guidelines on universal precautions; and

28 (ii) Display the notice developed under § 1–207 of the Health
29 Occupations Article that explains the federal Centers for Disease [Control’s]

1 **CONTROL AND PREVENTION'S** guidelines on universal precautions at the entrance
2 to the freestanding medical facility;

3 DRAFTER'S NOTE:

4 Error: Misnomers in § 19-3A-02(b)(4) of the Health – General Article.

5 Occurred: As a result of changes in federal law enacted by P. L. 102-531 (1992).
6 19-705.3.

7 (b) The Department shall adopt regulations to require health maintenance
8 organizations to:

9 (1) Adopt, implement, and enforce a policy that requires, except in an
10 emergency life-threatening situation where it is not feasible or practicable, all
11 employees and medical staff involved in patient care services to comply with the
12 Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on
13 universal precautions; and

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 19-705.3(b)(1) of the Health – General Article.

16 Occurred: As a result of changes in federal law enacted by P. L. 102-531 (1992).
17 19-1407.

18 (a) (2) The **HEALTH CARE QUALITY** Account shall be funded by civil
19 money penalties paid by nursing homes and other penalties that the Office of Health
20 Care Quality may assess.

21 (5) The **HEALTH CARE QUALITY** Account is a [continuing]
22 **CONTINUING**, nonlapsing fund, not subject to § 7-302 of the State Finance and
23 Procurement Article.

24 (6) Any unspent portions of the **HEALTH CARE QUALITY** Account
25 may not be transferred or reverted to the General Fund of the State, but shall remain
26 in the **HEALTH CARE QUALITY** Account to be used for the purposes specified in this
27 section.

28 DRAFTER'S NOTE:

29 Error: Misnomer in § 19-1407(a)(2), (5), and (6) and omitted comma in §
30 19-1407(a)(5) of the Health – General Article.

31 Occurred: Ch. 488, Acts of 2000; Ch. 29, Acts of 2001.

1 19–1411.

2 (b) The Secretary, in consultation with the [medical and surgical faculty]
3 **MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND**, and representatives of the
4 nursing home industry, shall:

5 (1) Establish qualifications for the medical director of a nursing home
6 or anyone acting for the medical director in his or her absence;

7 (2) Define the duties of the medical director; and

8 (3) Adopt regulations for the attending physicians who treat residents
9 of nursing homes that will provide for physician accountability.

10 DRAFTER’S NOTE:

11 Error: Misnomer in § 19–1411(b) of the Health – General Article.

12 Occurred: Chs. 217 and 218, Acts of 2000.

13 21–2A–01.

14 (c) The Council consists of the following members:

15 (8) Four pharmacists, appointed by the Secretary after consultation
16 with the Maryland Pharmacists Association, the Maryland Association of Chain Drug
17 Stores, **THE** University of Maryland School of Pharmacy, and any other appropriate
18 organization:

19 (i) Three of whom represent the perspective of independent and
20 chain pharmacies and pharmacists; and

21 (ii) One of whom represents the perspective of hospital
22 outpatient pharmacies;

23 DRAFTER’S NOTE:

24 Error: Omitted article in § 21–2A–01(c)(8) of the Health – General Article.

25 Occurred: Ch. 276, Acts of 2008.

26 21–301.

27 (h) (2) “Food service facility” does not include:

1 (i) A kitchen in a private home where food is prepared at no
2 charge for guests in the home, for guests at a social gathering, or for service to
3 unemployed, [homeless] **HOMELESS**, or other disadvantaged populations; or

4 (ii) A food preparation or serving area where only
5 nonpotentially hazardous food, as defined by the United States Food and Drug
6 Administration, is prepared or served only by an excluded organization.

7 DRAFTER'S NOTE:

8 Error: Omitted comma in § 21–301(h)(2)(i) of the Health – General Article.

9 Occurred: Ch. 297, Acts of 1987.

10 21–302.

11 This subtitle does not apply to the manufacture of milk, milk products as
12 defined in § 21–401 of this [title] **TITLE**, or frozen desserts as defined in § 21–801 of
13 this title.

14 DRAFTER'S NOTE:

15 Error: Omitted comma in § 21–302 of the Health – General Article.

16 Occurred: Ch. 297, Acts of 1987.

17 21–304.

18 (a) (2) For excluded organizations, the Department:

19 (ii) May adopt separate regulations that establish a licensing
20 system, with appropriate standards, that excluded organizations may voluntarily
21 choose to submit to as a nonrescindable alternative to regulation under
22 [subparagraph] **ITEM** (i) of this paragraph.

23 DRAFTER'S NOTE:

24 Error: Stylistic error in § 21–304(a)(2)(ii) of the Health – General Article.

25 Occurred: Ch. 297, Acts of 1987.

26 21–316.

27 (a) Except as otherwise provided in Title 10, Subtitles 2 and [4] **3** of the
28 State Government Article, before the Department takes any final action under
29 § 21–311 or § 21–315 of this subtitle, the Secretary shall give the person against whom
30 the action is contemplated an opportunity for a hearing before the Department.

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in § 21-316(a) of the Health – General Article.

3 Occurred: Ch. 6, Acts of 1988.

4 21-318.

5 (a) If the Department believes that a person is violating any provision of this
6 subtitle or [of] any regulation adopted under this subtitle, the Department may have
7 the person served with a written order that directs the person served to abate the
8 violation within a time specified in the order.

9 DRAFTER'S NOTE:

10 Error: Extraneous language in § 21-318(a) of the Health – General Article.

11 Occurred: Ch. 297, Acts of 1987.

12 21-323.1.

13 (c) Each bed and breakfast establishment that intends to serve hot meals to
14 renters shall be:

15 (1) Licensed in accordance with § 21-305 of this subtitle; and

16 (2) [Is subject] **SUBJECT** to State and local health regulations that
17 govern food safety and contamination.

18 DRAFTER'S NOTE:

19 Error: Extraneous language in § 21-323.1(c)(2) of the Health – General Article.

20 Occurred: Ch. 312, Acts of 2004.

21 21-1111.

22 (b) A person may not sell, distribute, or otherwise dispose of any drug,
23 medicine, pharmaceutical preparation, or [medical] **MEDICINAL** preparation by
24 means of a vending machine or other similar device.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 21-1111(b) of the Health – General Article.

27 Occurred: Ch. 21, Acts of 1982.

1 21–1204.

2 (a) A person who violates any provision of the following sections is guilty of a
3 misdemeanor and on conviction is subject to a fine not exceeding \$100:

4 (1) § 21–820 of this title[.]; AND

5 (2) § 21–1111 of this title.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 21–1204(a)(1) of the Health – General Article.

8 Occurred: Ch. 240, Acts of 1982.

9 21–1214.

10 (b) In addition to any criminal penalties imposed under this section, a person
11 who violates any provision of Subtitle 3 of this title or any rule or regulation adopted
12 under Subtitle 3 of this title or any term, [condition] **CONDITION**, or limitation of any
13 license or registration issued under Subtitle 3 of this title:

14 (1) Is liable for a civil penalty not exceeding \$5,000, to be collected in a
15 civil action in the District Court for any county; and

16 (2) May be enjoined from continuing the violation.

17 DRAFTER’S NOTE:

18 Error: Omitted comma in § 21–1214(b) of the Health – General Article.

19 Occurred: Ch. 297, Acts of 1987.

20 24–803.

21 The Program shall:

22 (6) Educate injecting drug users on the dangers of contracting the HIV
23 infection or the [Hepatitis] **HEPATITIS** B virus through needle–sharing practices and
24 unsafe sexual behaviors;

25 DRAFTER’S NOTE:

26 Error: Capitalization error in § 24–803(6) of the Health–General Article.

27 Occurred: Ch. 360, Acts of 1994.

1 24–806.

2 (b) With the advice and approval of the oversight committee, the Baltimore
3 City Health Department shall develop and implement a plan for Program evaluation
4 that shall include the following issues:

5 (6) The impact of the Program on risk behaviors for the transmission
6 of the HIV infection, the [Hepatitis] **HEPATITIS** B virus, and other
7 life-threatening blood-borne diseases among injecting drug users;

8 DRAFTER'S NOTE:

9 Error: Capitalization error in § 24–806(b)(6) of the Health – General Article.

10 Occurred: Ch. 360, Acts of 1994.

11 24–903.

12 The Program shall:

13 (6) Educate injecting drug users on the dangers of contracting the HIV
14 infection or the [Hepatitis] **HEPATITIS** B virus through needle-sharing practices and
15 unsafe sexual behaviors;

16 DRAFTER'S NOTE:

17 Error: Capitalization error in § 24–903(6) of the Health – General Article.

18 Occurred: Ch. 251, Acts of 1998.

19 24–1203.

20 (b) (2) Of the 17 members:

21 (iii) One member shall represent the Department of Public
22 Safety and [Corrections] **CORRECTIONAL SERVICES**;

23 DRAFTER'S NOTE:

24 Error: Misnomer in § 24–1203(b)(2)(iii) of the Health – General Article.

25 Occurred: Ch. 390, Acts of 2004.

26 24–1406.

1 (g) (2) (ii) 1. Except as provided in [item] SUBSUBPARAGRAPH 2
2 of this [item] SUBPARAGRAPH, a lien takes effect on the date a notice of lien is
3 recorded.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 24–1406(g)(2)(ii)1 of the Health – General Article.

6 Occurred: Ch. 412, Acts of 2005.

7 **Article – Health Occupations**

8 1–207.

9 The Department, in consultation with the Medical and Chirurgical Faculty of
10 Maryland, the Maryland Hospital Association, the Maryland Association of Health
11 Maintenance Organizations, the Health Facilities Association of Maryland, the
12 Maryland Association of Nonprofit Homes for the Aging, the Maryland State Dental
13 Association, the Maryland Nurses Association, the Maryland Funeral Directors
14 Association, the Maryland Podiatrists Association, the affected boards, the Association
15 for Practitioners for Infection Control, and a consumer of health care services, shall
16 develop a notice written in layman's language that explains the Centers for Disease
17 [Control's] **CONTROL AND PREVENTION'S** guidelines on universal precautions.

18 DRAFTER'S NOTE:

19 Error: Misnomer in § 1–207 of the Health Occupations Article.

20 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

21 3–5A–11.

22 (a) Subject to the hearing provisions of § 3–315 of this title, the Board may
23 deny a license or registration to any applicant, reprimand any licensee or registration
24 holder, place any licensee or registration holder on probation, or suspend or revoke the
25 license of a licensee or the registration of a registration holder if the applicant,
26 licensee, or registration holder:

27 (16) Except in an emergency life–threatening situation where it is not
28 feasible or practicable, fails to comply with the Centers for Disease [Control's]
29 **CONTROL AND PREVENTION'S** guidelines on universal precautions;

30 DRAFTER'S NOTE:

31 Error: Misnomer in § 3–5A–11(a)(16) of the Health Occupations Article.

32 Occurred: Ch. 678, Acts of 1996.

1 4–205.

2 (a) In addition to the powers set forth elsewhere in this title, the Board may:

3 (6) On receipt of a written and signed complaint, including a referral
4 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
5 the office of a dentist, other than an office of a dentist in a hospital, related institution,
6 freestanding medical facility, or a freestanding birthing center, to determine
7 compliance at that office with the Centers for Disease [Control's] **CONTROL AND**
8 **PREVENTION'S** guidelines on universal precautions; and

9 DRAFTER'S NOTE:

10 Error: Misnomer in § 4–205(a)(6) of the Health Occupations Article.

11 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

12 4–315.

13 (a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board
14 may deny a general license to practice dentistry, a limited license to practice dentistry,
15 or a teacher's license to practice dentistry to any applicant, reprimand any licensed
16 dentist, place any licensed dentist on probation, or suspend or revoke the license of
17 any licensed dentist, if the applicant or licensee:

18 (28) Except in an emergency life–threatening situation where it is not
19 feasible or practicable, fails to comply with the Centers for Disease [Control's]
20 **CONTROL AND PREVENTION'S** guidelines on universal precautions;

21 (b) Subject to the hearing provisions of § 4–318 of this subtitle, the Board
22 may deny a general license to practice dental hygiene, a teacher's license to practice
23 dental hygiene, or a temporary license to practice dental hygiene to any applicant,
24 reprimand any licensed dental hygienist, place any licensed dental hygienist on
25 probation, or suspend or revoke the license of any licensed dental hygienist, if the
26 applicant or licensee:

27 (16) Except in an emergency life–threatening situation where it is not
28 feasible or practicable, fails to comply with the Centers for Disease [Control's]
29 **CONTROL AND PREVENTION'S** guidelines on universal precautions; or

30 DRAFTER'S NOTE:

31 Error: Misnomer in § 4–315(a)(28) and (b)(16) of the Health Occupations Article.

32 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

1 4-403.

2 (d) The Board shall publish:

3 (1) An approved standard work authorization form; and

4 (2) An approved standard subcontracted work authorization form that
5 is of a color different [than] **FROM** the standard work authorization form.

6 DRAFTER'S NOTE:

7 Error: Grammatical error in § 4-403(d)(2) of the Health Occupations Article.

8 Occurred: Ch. 8, Acts of 1981.

9 4-501.

10 (b) For purposes of this section, a dental review committee is:

11 (7) Any person, including a professional standard review organization,
12 [who] **THAT** contracts with an agency of this State or of the federal government to
13 perform any of the functions listed in subsection (c) of this section; or

14 (8) Any person [who] **THAT** contracts with a provider of dental care to
15 perform any of those functions listed in subsection (c) of this section that are limited to
16 the review of services provided by the provider of dental care.

17 DRAFTER'S NOTE:

18 Error: Grammatical errors in § 4-501(b)(7) and (8) of the Health Occupations
19 Article.

20 Occurred: Ch. 8, Acts of 1981.

21 7-205.

22 (a) In addition to the powers and duties set forth elsewhere in this title, the
23 Board has the following powers and duties:

24 (9) On receipt of a written and signed complaint, including a referral
25 from the Commissioner of Labor and Industry, to conduct an unannounced inspection
26 of the funeral establishment to determine compliance at that funeral establishment
27 with the Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines
28 on universal precautions;

29 DRAFTER'S NOTE:

1 Error: Misnomer in § 7–205(a)(9) of the Health Occupations Article.

2 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

3 7–316.

4 (a) Subject to the hearing provisions of § 7–319 of this subtitle and except as
5 to a funeral establishment license, the Board may deny a license to any applicant,
6 reprimand any licensee, place any licensee on probation, or suspend or revoke any
7 license if the applicant or licensee:

8 (28) Except in an emergency life–threatening situation where it is not
9 feasible or practicable, fails to comply with the Centers for Disease [Control’s]
10 **CONTROL AND PREVENTION’S** guidelines on universal precautions;

11 DRAFTER’S NOTE:

12 Error: Misnomer in § 7–316(a)(28) of the Health Occupations Article.

13 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

14 8–205.

15 (a) In addition to the powers and duties set forth elsewhere in this title, the
16 Board has the following powers and duties:

17 (14) On receipt of a written and signed complaint, including a referral
18 from the Commissioner of Labor and Industry, conduct an unannounced inspection of
19 the office of a nurse in independent practice, other than an office of a nurse in
20 independent practice in a hospital, related institution, freestanding medical facility, or
21 a freestanding birthing center, to determine compliance at that office with the Centers
22 for Disease [Control’s] **CONTROL AND PREVENTION’S** guidelines on universal
23 precautions; and

24 DRAFTER’S NOTE:

25 Error: Misnomer in § 8–205(a)(14) of the Health Occupations Article.

26 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

27 8–316.

28 (a) Subject to the hearing provisions of § 8–317 of this subtitle, the Board
29 may deny a license or grant a probationary license to any applicant, reprimand any
30 licensee, place any licensee on probation, or suspend or revoke the license of a licensee
31 if the applicant or licensee:

1 (15) Except in an emergency life-threatening situation where it is not
2 feasible or practicable, fails to comply with the Centers for Disease [Control's]
3 **CONTROL AND PREVENTION'S** guidelines on universal precautions;

4 DRAFTER'S NOTE:

5 Error: Misnomer in § 8-316(a)(15) of the Health Occupations Article.

6 Occurred: As a result of changes in federal law enacted by P.L. 102-531 (1992).

7 8-6A-10.

8 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may
9 deny a certificate or issue a probationary certificate to any applicant, reprimand any
10 certificate holder, place any certificate holder on probation, or suspend or revoke the
11 certificate of a certificate holder, if the applicant or certificate holder:

12 (23) Except in an emergency life-threatening situation where it is not
13 feasible or practicable, fails to comply with the Centers for Disease [Control's]
14 **CONTROL AND PREVENTION'S** guidelines on universal precautions;

15 DRAFTER'S NOTE:

16 Error: Misnomer in § 8-6A-10(a)(23) of the Health Occupations Article.

17 Occurred: Ch. 393, Acts of 1998.

18 8-6B-06.

19 In addition to the powers set forth elsewhere in this subtitle, the Committee
20 shall:

21 (10) At the request of the Board, after the Board has received a written
22 and signed complaint, including a referral from the Commissioner of Labor and
23 Industry, conduct an unannounced inspection of the office of an electrologist, other
24 than an office of an electrologist in a hospital, related institution, freestanding medical
25 facility, or a freestanding birthing center, to determine compliance at that office with
26 the Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on
27 universal precautions and make recommendations to the Board, as necessary;

28 DRAFTER'S NOTE:

29 Error: Misnomer in § 8-6B-06(10) of the Health Occupations Article.

30 Occurred: Ch. 422, Acts of 2003.

31 8-6B-18.

1 (a) Subject to the hearing provisions of § 8–317 of this title and § 8–6B–19 of
 2 this subtitle, the Board may deny a license to an applicant, grant a probationary
 3 license to an applicant, reprimand a licensee, place a licensee on probation, or suspend
 4 or revoke a license if the applicant or licensee:

5 (24) Except in an emergency life–threatening situation where it is not
 6 feasible or practicable, fails to comply with the Centers for Disease [Control’s]
 7 **CONTROL AND PREVENTION’S** guidelines on universal precautions;

8 DRAFTER’S NOTE:

9 Error: Misnomer in § 8–6B–18(a)(24) of the Health Occupations Article.

10 Occurred: Ch. 422, Acts of 2003.

11 9–302.

12 (d) (1) The applicant shall:

13 (i) 1. Have a baccalaureate or [masters] **MASTER’S** degree
 14 in health care administration from an accredited college or university; or

15 2. A. Have a baccalaureate or [masters] **MASTER’S**
 16 degree in a field other than health care administration from an accredited college or
 17 university; and

18 B. Have satisfactorily completed a minimum of 100
 19 hours in a course of study in health care administration approved by the Board; and

20 DRAFTER’S NOTE:

21 Error: Grammatical errors in § 9–302(d)(1)(i) of the Health Occupations Article.

22 Occurred: Ch. 656, Acts of 1990.

23 10–101.

24 (l) “Occupational therapy” means the therapeutic use of purposeful and
 25 meaningful goal–directed activities to evaluate, consult, and treat individuals [that]
 26 **WHO:**

27 (1) Have a disease or disorder, impairment, activity limitation, or
 28 participation restriction that interferes with their ability to function independently in
 29 daily life roles; or

1 (2) Benefit from the prevention of impairments and activity
2 limitations.

3 DRAFTER'S NOTE:

4 Error: Grammatical error in § 10–101(l) of the Health Occupations Article.

5 Occurred: Ch. 412, Acts of 2000.

6 12–101.

7 (i) (2) “Distribute” does not include the operations of a person who holds
8 a permit issued under [§ 12–602] § 12–6C–03 of this title.

9 DRAFTER'S NOTE:

10 Error: Obsolete internal reference in § 12–101(i)(2) of the Health Occupations
11 Article.

12 Occurred: As a result of Chs. 352 and 353, Acts of 2007. Correction by the
13 publisher of the Annotated Code in the 2009 Replacement Volume of the Health
14 Occupations Article is ratified by this Act.

15 12–6B–11.

16 (a) Unless the Board agrees to accept the surrender of a pharmacy
17 technician's registration, a registered pharmacy technician may not surrender the
18 pharmacy technician's registration nor may the pharmacy technician's registration
19 lapse by operation of law while the registered pharmacy technician is under
20 investigation or while charges are pending against [a] **THE** registered pharmacy
21 technician.

22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in § 12–6B–11(a) of the Health Occupations Article.

24 Occurred: Ch. 523, Acts of 2006.

25 14–205.

26 (a) (1) In addition to the powers set forth elsewhere in this title, the
27 Board may:

28 (iv) On receipt of a written and signed complaint, including a
29 referral from the Commissioner of Labor and Industry, conduct an unannounced
30 inspection of the office of a physician or acupuncturist, other than an office of a
31 physician or acupuncturist in a hospital, related institution, freestanding medical

1 facility, or a freestanding birthing center, to determine compliance at that office with
2 the Centers for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on
3 universal precautions; and

4 DRAFTER'S NOTE:

5 Error: Misnomer in § 14–205(a)(1)(iv) of the Health Occupations Article.

6 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).
7 14–404.

8 (a) Subject to the hearing provisions of § 14–405 of this subtitle, the Board,
9 on the affirmative vote of a majority of the quorum, may reprimand any licensee, place
10 any licensee on probation, or suspend or revoke a license if the licensee:

11 (31) Except in an emergency life–threatening situation where it is not
12 feasible or practicable, fails to comply with the Centers for Disease [Control's]
13 **CONTROL AND PREVENTION'S** guidelines on universal precautions;

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 14–404(a)(31) of the Health Occupations Article.

16 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).
17 14–504.

18 (g) Subject to the hearing provisions of § 14–405 of this title, the Board, on
19 the affirmative vote of a majority of its quorum, may reprimand or place a physician
20 who performs acupuncture on probation or suspend or revoke the registration of a
21 physician for:

22 (2) Except in an emergency life–threatening situation where it is not
23 feasible or practicable, fails to comply with the Centers for Disease [Control's]
24 **CONTROL AND PREVENTION'S** guidelines on universal precautions; or

25 DRAFTER'S NOTE:

26 Error: Misnomer in § 14–504(g)(2) of the Health Occupations Article.

27 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).
28 15–202.

29 (a) (4) The Board shall:

1 (i) Appoint the physician assistant members from a list of
2 names submitted by:

3 1. The Maryland Academy of Physician Assistants; and

4 2. The State institutions of higher education with
5 approved physician assistant programs;

6 (ii) Appoint the consumer member selected by the Secretary [of
7 the Department of Health and Mental Hygiene]; and

8 (iii) Assign a physician member of the Board to serve as a voting
9 Board representative at all meetings of the [Advisory] Committee.

10 DRAFTER'S NOTE:

11 Error: Stylistic errors in § 15–202(a)(4)(ii) and (iii) of the Health Occupations
12 Article.

13 Occurred: Ch. 759, Acts of 1986.

14 15–205.

15 (b) (3) The Board may:

16 (iii) On receipt of a written and signed complaint, including a
17 referral from the Commissioner of Labor and Industry, conduct an unannounced
18 inspection of the office of a physician assistant, other than an office of a physician
19 assistant in a hospital, related institution, freestanding medical facility, or a
20 freestanding birthing center, to determine compliance at that office with the Centers
21 for Disease [Control's] **CONTROL AND PREVENTION'S** guidelines on universal
22 precautions.

23 DRAFTER'S NOTE:

24 Error: Misnomer in § 15–205(b)(3)(iii) of the Health Occupations Article.

25 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

26 15–314.

27 Subject to the hearing provisions of § 15–315 of this subtitle, the Board, on the
28 affirmative vote of a majority of its members then serving, may reprimand any
29 certificate holder or suspend or revoke a certificate if the certificate holder:

1 1–202.

2 (c) A report or record concerning child abuse or neglect:

3 (2) may be disclosed by the [State Department of Education]
4 **DEPARTMENT OF HUMAN RESOURCES** to the operator of a child care center that is
5 required to be licensed or to hold a letter of compliance under Title 5, Subtitle 5, Part
6 VII of the Family Law Article or to a family day care provider who is required to be
7 registered under Title 5, Subtitle 5, Part V of the Family Law Article, to determine the
8 suitability of an individual for employment in the child care center or family day care
9 home.

10 DRAFTER’S NOTE:

11 Error: Erroneous agency name in § 1–202(c)(2) of the Human Services Article.

12 Occurred: As a result of Ch. 25, § 12, Acts of 2005, under the authority of which
13 this error was made in attempting to conform to changes enacted by Chs. 359 and 585,
14 Acts of 2005. Correction suggested by the Office of the Attorney General, Counsel to
15 the General Assembly.

16 **Article – Insurance**

17 8–605.1.

18 (c) A viatical settlement broker shall submit to the viator all offers,
19 [counter-offers] **COUNTEROFFERS**, acceptances, and rejections relating to the
20 placement of the viator’s policy within 72 hours after receipt by the viatical settlement
21 broker.

22 DRAFTER’S NOTE:

23 Error: Extraneous hyphen in § 8–605.1(c) of the Insurance Article.

24 Occurred: Ch. 146, Acts of 2006.

25 9–229.1.

26 (a) (7) (i) “Repurchase agreement” or “reverse repurchase agreement”
27 means an agreement, including related terms, that provides for the transfer of
28 certificates of deposit, eligible bankers’ acceptances, or securities that are direct
29 obligations of, or that are fully guaranteed as to principal and interest by, the United
30 States or an agency of the United States against the transfer of funds by the
31 transferee of the certificates of deposit, eligible bankers’ acceptances, or securities with
32 a simultaneous agreement by the transferee to transfer to the transferor certificates of
33 deposit, eligible bankers’ acceptances, or securities as described above in this

1 subparagraph **[(i)]** at a certain date not later than 1 year after the transfers or on
2 demand, against the transfer of funds.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 9–229.1(a)(7)(i) of the Insurance Article.

5 Occurred: Ch. 568, Acts of 2005.

6 10–705.

7 (a) A limited lines license to sell coverage under a policy of portable
8 electronics insurance to a customer issued under this subtitle authorizes a vendor or
9 an authorized representative of the vendor to sell coverage under a policy of portable
10 electronics insurance to customers in connection with, and incidental to, a portable
11 electronics transaction at each location at which the vendor engages in portable
12 electronics transactions in the State if:

13 (4) **[(i)]** the vendor provides a training program, approved by the
14 Commissioner, for any employee or authorized representative who sells coverage
15 under a policy of portable electronics insurance to customers under this subtitle that
16 includes instruction:

17 [1.] **(I)** about the portable electronics insurance offered to
18 customers of the vendor;

19 [2.] **(II)** that the employee or authorized representative may
20 not represent or imply to a customer that purchase of coverage under a policy of
21 portable electronics insurance is required in order to purchase portable electronics;

22 [3.] **(III)** that portable electronics insurance may duplicate
23 insurance coverage already provided by a customer's homeowner's insurance policy,
24 renter's insurance policy, or other source of insurance coverage; and

25 [4.] **(IV)** about the other disclosures required by item (3) of
26 this subsection.

27 DRAFTER'S NOTE:

28 Error: Tabulation error in § 10–705(a)(4) of the Insurance Article.

29 Occurred: Chs. 316 and 317, Acts of 2009. Correction by the publisher of the
30 Annotated Code in the 2009 Supplement of the Insurance Article is ratified by this
31 Act.

32 10–708.

1 The Commissioner may adopt regulations to carry out this subtitle, including
2 regulations **CONCERNING**:

3 (1) **[concerning]** the form and content of required disclosures to
4 customers;

5 (2) the training requirements for employees and authorized
6 representatives of vendors; and

7 (3) the qualifications of the individuals who provide training.

8 **DRAFTER'S NOTE:**

9 Error: Misplaced word in § 10-708 of the Insurance Article.

10 Occurred: Chs. 316 and 317, Acts of 2009. Correction by the publisher of the
11 Annotated Code in the 2009 Supplement of the Insurance Article is ratified by this
12 Act.

13 15-112.2.

14 (a) (4) **["Fee-for-service dental provider panel" means a provider panel**
15 **for one or more dental plan organizations, insurers, or nonprofit health service plans**
16 **offering contracts only for dental services reimbursed on a full or discounted**
17 **fee-for-service basis.] "ENROLLEE" MEANS A PERSON ENTITLED TO HEALTH**
18 **CARE BENEFITS FROM A CARRIER.**

19 (5) **["Enrollee" means a person entitled to health care benefits from a**
20 **carrier.] "FEE-FOR-SERVICE DENTAL PROVIDER PANEL" MEANS A PROVIDER**
21 **PANEL FOR ONE OR MORE DENTAL PLAN ORGANIZATIONS, INSURERS, OR**
22 **NONPROFIT HEALTH SERVICE PLANS OFFERING CONTRACTS ONLY FOR DENTAL**
23 **SERVICES REIMBURSED ON A FULL OR DISCOUNTED FEE-FOR-SERVICE BASIS.**

24 **DRAFTER'S NOTE:**

25 Error: Stylistic error (failure to codify terms in alphabetical order) in §
26 15-112.2(a)(4) and (5) of the Insurance Article.

27 Occurred: Ch. 549, Acts of 2009.

28 15-403.2.

29 (c) Each policy or contract subject to this section shall provide that the same
30 health insurance benefits and eligibility guidelines that apply to any covered
31 dependent are available to a domestic partner of an insured or a child dependent of the
32 domestic partner of an insured at the request of:

1 (2) the group [policy holder] **POLICYHOLDER** of a group policy or
2 contract that is subject to this section.

3 (d) An insurer, nonprofit health service plan, or health maintenance
4 organization may require a group [policy holder] **POLICYHOLDER** that requests
5 coverage for a domestic partner or child dependent of the domestic partner of an
6 insured under subsection (c)(2) of this section to provide proof of the eligibility of the
7 domestic partner or child dependent of the domestic partner for coverage under this
8 section.

9 DRAFTER'S NOTE:

10 Error: Misspellings in § 15-403.2(c)(2) and (d) of the Insurance Article.

11 Occurred: Ch. 639, Acts of 2007.

12 15-409.

13 (d) Continuation coverage under this section shall:

14 (3) allow the payment of the amount specified in [paragraph] **ITEM (2)**
15 of this subsection in monthly installments if the insured elects to do so;

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 15-409(d)(3) of the Insurance Article.

18 Occurred: Ch. 35, Acts of 1997.

19 15-817.

20 (c) (2) The minimum package of child wellness services shall cover at
21 least:

22 (i) all visits for and costs of childhood and adolescent
23 immunizations recommended by the Advisory Committee on Immunization Practices
24 of the Centers for Disease Control **AND PREVENTION**;

25 DRAFTER'S NOTE:

26 Error: Misnomer in § 15-817(c)(2)(i) of the Insurance Article.

27 Occurred: As a result of changes in federal law enacted by P.L. 102-531 (1992).

28 19-807.

1 (c) (3) Portions of the Medical Assistance Program Account that exceed
2 the amount provided under paragraph (2) of this subsection shall be used by the
3 Secretary only to:

4 (iii) pay managed care organization health care providers
5 consistent with the fee-for-service health CARE provider rates; and

6 DRAFTER'S NOTE:

7 Error: Omitted word in § 19-807(c)(3)(iii) of the Insurance Article.

8 Occurred: Ch. 1, Acts of 2005.

9 27-401.

10 (b) (2) "Claim" includes a demand for payment or benefit made against:

11 (i) the State under Title 12 of the State Government Article,
12 [Title 8, Subtitle 1] **TITLE 2, SUBTITLE 5** of the State Personnel and Pensions
13 Article, or Title 9 of the Labor and Employment Article; or

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in § 27-401(b)(2)(i) of the Insurance Article.

16 Occurred: Ch. 35, Acts of 1997.

17 27-402.

18 The provisions of this subtitle that apply to insurers also apply to:

19 (8) the State when a claim has been filed against the State under
20 [Title 8, Subtitle 1] **TITLE 2, SUBTITLE 5** of the State Personnel and Pensions
21 Article;

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 27-402(8) of the Insurance Article.

24 Occurred: Ch. 35, Acts of 1997.

25 27-605.

26 (b) (6) Except as provided in § 27-501 of this [article] **TITLE**, a request
27 for additional information under this section does not stay the proposed action.

28 DRAFTER'S NOTE:

1 Error: Stylistic error in § 27–605(b)(6) of the Insurance Article.

2 Occurred: Ch. 580, Acts of 2006.

3 **Article – Labor and Employment**

4 5–205.

5 (n) In addition to any other authority the Commissioner may exercise under
6 this title, if, as a result of the exercise of the Commissioner’s authority under the
7 provisions of this title, the Commissioner has reason to believe that a health care
8 provider required under the Health Occupations Article to comply with the Centers for
9 Disease [Control’s] **CONTROL AND PREVENTION’S** guidelines on universal
10 precautions is not complying with those provisions, the Commissioner shall refer that
11 suspected violation to the health care provider’s licensing board.

12 (o) (1) In addition to any other authority the Commissioner may exercise
13 under this title, if, as a result of the exercise of the Commissioner’s authority under
14 the provisions of this title, the Commissioner has reason to believe that an employee
15 or member of the medical staff involved in patient care services of the hospital, related
16 institution, freestanding medical facility, or freestanding birthing center is not
17 complying with the Centers for Disease [Control’s] **CONTROL AND PREVENTION’S**
18 guidelines on universal precautions, the Commissioner shall refer that suspected
19 violation to the chief executive officer of the hospital, related institution, freestanding
20 medical facility, or freestanding birthing center.

21 (2) In addition to any other authority the Commissioner may exercise
22 under this title, if, as a result of the exercise of the Commissioner’s authority under
23 the provisions of this title, the Commissioner has reasons to believe that a hospital,
24 related institution, freestanding medical facility, or freestanding birthing center is
25 demonstrating a willful and systematic disregard for the Centers for Disease
26 [Control’s] **CONTROL AND PREVENTION’S** guidelines on universal precautions, the
27 Commissioner shall refer that suspected violation to:

28 (i) the Department of Health and Mental Hygiene; and

29 (ii) the chief executive officer of the hospital, related institution,
30 freestanding medical facility, or freestanding birthing center.

31 **DRAFTER’S NOTE:**

32 Error: Misnomer in § 5–205(n) and (o)(1) and (2) of the Labor and Employment
33 Article.

34 Occurred: As a result of changes in federal law enacted by P.L. 102–531 (1992).

1 Error: Omitted comma in § 4–710(e) of the Natural Resources Article.

2 Occurred: Ch. 4, Acts of the Special Session of 1973.

3 5–102.

4 (a) The General Assembly finds that:

5 (1) Forests, streams, valleys, wetlands, parks, **AND** scenic, [historic]
6 **HISTORIC**, and recreation areas of the State are basic assets and their proper use,
7 development, and preservation are necessary to protect and promote the health,
8 safety, economy, and general welfare of the people of the State;

9 DRAFTER'S NOTE:

10 Error: Omitted conjunction and comma in § 5–102(a)(1) of the Natural
11 Resources Article.

12 Occurred: Ch. 4, Acts of the Special Session of 1973.

13 5–304.

14 An applicant for cost–share assistance shall:

15 (2) File an application with the Department stating:

16 (iii) A description of the land or lands upon which the practice is
17 to be implemented; [and]

18 DRAFTER'S NOTE:

19 Error: Extraneous conjunction in § 5–304(2)(iii) of the Natural Resources
20 Article.

21 Occurred: Ch. 620, Acts of 1986.

22 5–307.

23 (g) The Department shall use the Fund:

24 (3) To offset the costs of the Forest **AND PARK** Service for developing
25 and approving forest stewardship plans on privately owned forest lands;

26 DRAFTER'S NOTE:

27 Error: Misnomer in § 5–307(g)(3) of the Natural Resources Article.

1 Occurred: Ch. 175, Acts of 2009.

2 8–1808.

3 (d) (4) (ii) 1. Based on competent and substantial evidence, a local
4 jurisdiction shall make written findings as to whether the applicant has overcome the
5 presumption established under paragraph [(3)(i)] **(3)(II)** of this subsection.

6 DRAFTER’S NOTE:

7 Error: Incorrect internal reference in § 8–1808(d)(4)(ii)1 of the Natural
8 Resources Article.

9 Occurred: Chs. 650 and 651, Acts of 2009.

10 **Article – Public Safety**

11 1–202.

12 (b) (2) For fiscal year 2009, and for each following fiscal year, the death
13 benefit provided in the prior fiscal year shall be adjusted by any change in the
14 calendar year preceding the fiscal year in the Consumer Price Index [(all urban
15 customers – United States city average – all items)] **(ALL URBAN CONSUMERS –
16 UNITED STATES CITY AVERAGE – ALL ITEMS)**, as published by the United States
17 Bureau of Labor Statistics.

18 DRAFTER’S NOTE:

19 Error: Capitalization errors and erroneous word in § 1–202(b)(2) of the Public
20 Safety Article.

21 Occurred: Ch. 327, Acts of 1998.

22 **Article – Real Property**

23 7–401.

24 (d) “Mortgage fraud” means any action by a person made with the intent to
25 defraud that involves:

26 (4) Receiving any proceeds or any other funds in connection with a
27 mortgage closing that the person knows resulted from a violation of item (1), (2), or (3)
28 of this [section] **SUBSECTION**;

29 (5) Conspiring to violate any of the provisions of item (1), (2), (3), or (4)
30 of this [section] **SUBSECTION**; or

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 7–401(d)(4) and (5) of the Real Property Article.

3 Occurred: Chs. 3 and 4, Acts of 2008.

4 8–110.1.

5 (a) (8) “Redeemable ground rent” means a ground rent that may be
6 redeemed in accordance with this section or redeemed or extinguished in accordance
7 with § 8–110[(g)](F) of this subtitle.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross reference in § 8–110.1(a)(8) of the Real Property Article.

10 Occurred: As a result of Ch. 291, Acts of 2007.

11 11–102.2.

12 (c) The application for registration for a residential rental facility under §
13 11–127 of this [subtitle] **TITLE** shall include, to the extent reasonably available, a list
14 of all tenants whose leases were terminated during the 180–day period prior to the
15 filing of the application for registration.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 11–102.2(c) of the Real Property Article.

18 Occurred: Ch. 769, Acts of 1987.

19 11–108.1.

20 Except to the extent otherwise provided by the declaration or bylaws, and
21 subject to § 11–114 of this [subtitle] **TITLE**, the council of unit owners is responsible
22 for maintenance, repair, and replacement of the common elements, and each unit
23 owner is responsible for maintenance, repair, and replacement of his unit.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 11–108.1 of the Real Property Article.

26 Occurred: Chs. 522 and 523, Acts of 2009.

27 11–111.1.

1 (i) To the extent that this section is inconsistent with any other provision of
2 this [subtitle] TITLE, this section shall take precedence over any inconsistent
3 provision.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 11–111.1(i) of the Real Property Article.

6 Occurred: Ch. 491, Acts of 1989.

7 11–114.

8 (g) (2) (iv) In the same manner as provided under § 11–110 of this
9 [subtitle] TITLE, the council of unit owners may make an annual assessment against
10 the unit owner responsible under subparagraph (iii) of this paragraph.

11 DRAFTER'S NOTE:

12 Error: Stylistic error in § 11–114(g)(2)(iv) of the Real Property Article.

13 Occurred: Ch. 694, Acts of 2001.

14 11–126.

15 (a) A contract for the initial sale of a unit to a member of the public is not
16 enforceable by the vendor unless:

17 (2) The contract of sale contains, in conspicuous type, a notice of:

18 (ii) The warranties provided by § 11–131 of this [subtitle]
19 TITLE.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 11–126(a)(2)(ii) of the Real Property Article.

22 Occurred: Ch. 131, Acts of 1991.

23 11–127.

24 (d) (1) (ii) A public offering statement is current if the information
25 required under § 11–126(b)(2), (4), (5), (6), and (12) of this [subtitle] TITLE is updated
26 and filed by the developer not less than annually.

27 DRAFTER'S NOTE:

28 Error: Stylistic error in § 11–127(d)(1)(ii) of the Real Property Article.

1 Occurred: Ch. 66, Acts of 1999.

2 14–120.

3 (i) Except as provided in [paragraph] SUBSECTION (g)(2) of this section, the
4 court may order appropriate relief under subsection (g) of this section without proof
5 that a defendant knew of the existence of the nuisance.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 14–120(i) of the Real Property Article.

8 Occurred: Ch. 501, Acts of 2005.

9 **Article – State Finance and Procurement**

10 11–203.

11 (b) (1) The following provisions of this Division II apply to each
12 procurement enumerated in subsection (a) of this section:

13 (ii) [§ 12–204] § 10–204 of this article ([“Board approval”]
14 “APPROVAL for designated contracts”);

15 DRAFTER’S NOTE:

16 Error: Incorrect cross–reference in § 11–203(b)(1)(ii) of the State Finance and
17 Procurement Article.

18 Occurred: Ch. 3, Acts of 1994. Correction by the publisher of the Annotated
19 Code in the 2009 Replacement Volume of the State Finance and Procurement Article
20 is ratified by this Act.

21 13–108.

22 (a) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval
23 for designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), §
24 13–221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of
25 Contractors”), or Title 17 [of this article] (“Special Provisions – State and Local
26 Subdivisions”) **OF THIS ARTICLE**, with the approval of the head of a unit, its
27 procurement officer may make an emergency procurement by any method that the
28 procurement officer considers most appropriate to avoid or mitigate serious damage to
29 public health, safety, or welfare.

30 (b) (1) Except as provided in § 11–205 (“Collusion”), § 10–204 (“Approval
31 for designated contracts”), § 13–219 (“Required clauses – Nondiscrimination clause”), §

1 13–221 (“Disclosures to Secretary of State”), Title 16 (“Suspension and Debarment of
 2 Contractors”), or Title 17 [of this article] (“Special Provisions – State and Local
 3 Subdivisions”) **OF THIS ARTICLE**, with the approval of the head of the unit and the
 4 Board, the Maryland Port Commission or the Maryland Aviation Administration may
 5 make a procurement on an expedited basis if the head of the unit and the Board find
 6 that:

7 (i) urgent circumstances require prompt action;

8 (ii) an expedited procurement best serves the public interest;
 9 and

10 (iii) the need for the expedited procurement outweighs the
 11 benefits of making the procurement on the basis of competitive sealed bids or
 12 competitive sealed proposals.

13 **DRAFTER’S NOTE:**

14 Error: Misplaced phrase in § 13–108(a)(1) and (b)(1) of the State Finance and
 15 Procurement Article.

16 Occurred: Ch. 48, Acts of 1988.

17 14–401.

18 (d) (2) A unit may give a preference under this section that is identical to
 19 any of the following preferences, or any combination of them:

20 (ii) the preference that the state in which the nonresident
 21 bidder or nonresident offeror has its principal operation through which it would
 22 provide supplies or services **GIVES TO ITS RESIDENTS**.

23 **DRAFTER’S NOTE:**

24 Error: Omitted words in § 14–401(d)(2)(ii) of the State Finance and
 25 Procurement Article.

26 Occurred: Ch. 501, Acts of 1999.

27 14–305.

28 (a) (1) Within 90 days after the end of the fiscal year, each unit shall
 29 report to the Governor’s Office of Minority Affairs, the certification agency, and,
 30 subject to § 2–1246 of the State Government Article, the Joint Committee on Fair
 31 Practices **AND PERSONNEL OVERSIGHT**.

32 **DRAFTER’S NOTE:**

1 Error: Misnomer in § 14–305(a)(1) of the State Finance and Procurement
2 Article.

3 Occurred: Ch. 327, Acts of 2009.

4 **Article – State Government**

5 6–301.

6 (e) [“Homeowners”] **“HOMEOWNER’S insurer”** means an insurer that issues
7 or delivers a policy or contract of homeowner’s insurance in the State.

8 (f) “Insurance consumers” means persons insured under policies or contracts
9 of medical professional liability insurance, and [homeowners] **HOMEOWNER’S**
10 insurance issued or delivered in the State by a medical professional liability insurer or
11 a [homeowners] **HOMEOWNER’S insurer**.

12 (g) “Insurer” means a medical professional liability insurer or a
13 [homeowners] **HOMEOWNER’S insurer** authorized to engage in the insurance business
14 in the State under a certificate of authority issued by the Commissioner.

15 **DRAFTER’S NOTE:**

16 Error: Grammatical errors in § 6–301(e), (f), and (g) of the State Government
17 Article.

18 Occurred: Ch. 1, Acts of 2005; Ch. 5, Acts of the Special Session of 2004.

19 6–304.

20 (a) The Commissioner shall:

21 (1) collect an annual assessment from each medical professional
22 liability insurer and [homeowners] **HOMEOWNER’S insurer** for the costs and expenses
23 incurred by the Division in carrying out its duties under this subtitle; and

24 (2) deposit the amounts collected into the People’s Insurance Counsel
25 Fund established under § 6–305 of this subtitle.

26 (b) The assessment payable by a medical professional liability insurer or
27 [homeowners] **HOMEOWNER’S insurer** is the product of the fraction obtained by
28 dividing the gross direct premium written by the medical professional liability insurer
29 or [homeowners] **HOMEOWNER’S insurer** in the prior calendar year by the total
30 amount of gross direct premium written by all medical professional liability insurers
31 or [homeowners] **HOMEOWNER’S insurers** in the prior calendar year, multiplied by
32 the amount of the total costs and expenses under subsection (a)(1) of this section.

1 DRAFTER'S NOTE:

2 Error: Grammatical errors in § 6-304(a)(1) and (b) of the State Government
3 Article.

4 Occurred: Ch. 5, Acts of the Special Session of 2004.

5 6-306.

6 (a) (1) The Division shall evaluate each medical professional liability
7 insurance and [homeowners] **HOMEOWNER'S** insurance matter pending before the
8 Commissioner to determine whether the interests of insurance consumers are affected.

9 (b) (1) The Division shall review any rate increase of 10% or more filed
10 with the Commissioner by a medical professional liability insurer or [homeowners]
11 **HOMEOWNER'S** insurer.

12 DRAFTER'S NOTE:

13 Error: Grammatical errors in § 6-306(a)(1) and (b)(1) of the State Government
14 Article.

15 Occurred: Ch. 1, Acts of 2005; Ch. 5, Acts of the Special Session of 2004.

16 6-307.

17 (c) (1) Except as otherwise provided in the Insurance Article and any
18 applicable freedom of information act, the Division shall have full access to the
19 Commissioner's records, including rate filings and supplementary rate information
20 filed with the Commissioner by a medical professional liability insurer or
21 [homeowners] **HOMEOWNER'S** insurer under Title 11 of the Insurance Article, and
22 shall have the benefit of all other facilities or information of the Commissioner.

23 DRAFTER'S NOTE:

24 Error: Grammatical error in § 6-307(c)(1) of the State Government Article.

25 Occurred: Ch. 5, Acts of the Special Session of 2004.

26 9-1A-01.

27 (m) "Family" means spouse, parents, grandparents, children, grandchildren,
28 siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law,
29 daughters-in-law, sons-in-law, brothers-in-law, and sisters-in-law, whether by
30 whole blood or half blood, [by] marriage, adoption, or natural relationship.

1 DRAFTER'S NOTE:

2 Error: Extraneous word in § 9–1A–01(m) of the State Government Article.

3 Occurred: Ch. 4, Acts of the Special Session of 2007.

4 9–1A–03.

5 (b) This subtitle, including the authority provided to the Commission under
6 this [subtitle] **SUBTITLE**, does not apply to:

7 (1) lotteries conducted under Subtitle 1 of this title;

8 (2) wagering on horse racing conducted under Title 11 of the Business
9 Regulation Article;

10 (3) the operation of slot machines as provided under Titles 12 and 13
11 of the Criminal Law Article; or

12 (4) other gaming conducted under Titles 12 and 13 of the Criminal
13 Law Article.

14 DRAFTER'S NOTE:

15 Error: Omitted comma in § 9–1A–03(b) of the State Government Article.

16 Occurred: Ch. 4, Acts of the Special Session of 2007.

17 9–1A–07.

18 (c) (7) Applicants and licensees shall produce information,
19 documentation, and assurances to establish the following qualification criteria by clear
20 and convincing evidence:

21 (v) that:

22 2. the labor peace agreement is valid and enforceable
23 under 29 U.S.C. § [185] **158**;

24 DRAFTER'S NOTE:

25 Error: Erroneous cross-reference in § 9–1A–07(c)(7)(v)2 of the State
26 Government Article.

27 Occurred: Ch. 4, Acts of the Special Session of 2007. Correction recommended by
28 the Office of the Attorney General, Counsel to the General Assembly.

1 9–1A–24.

2 (b) (2) Except as provided in paragraph [(3)] (4) of this subsection, a
3 video lottery operation licensee may not provide food or alcoholic beverages to
4 individuals at no cost.

5 DRAFTER’S NOTE:

6 Error: Erroneous internal reference in § 9–1A–24(b)(2) of the State Government
7 Article.

8 Occurred: Ch. 4, Acts of the Special Session of 2007.

9 9–603.

10 (a) The Trust shall consist of the following voting members:

11 (1) the Governor;

12 (2) the President of the Senate;

13 (3) the Speaker of the House of Delegates;

14 (4) the Secretary [of the Department] of General Services; and

15 (5) the Director of the Maryland Historical Trust.

16 DRAFTER’S NOTE:

17 Error: Stylistic error in § 9–603(a)(4) of the State Government Article.

18 Occurred: Ch. 494, Acts of 1988.

19 9–604.

20 The Secretary [of the Department] of General Services is the Chairman of the
21 Trust.

22 DRAFTER’S NOTE:

23 Error: Stylistic error in § 9–604 of the State Government Article.

24 Occurred: Ch. 494, Acts of 1988.

25 9–1008.

26 (b) The State Archivist:

1 (1) shall supervise and control the use of the State Hall of Records
2 Building;

3 (2) may equip and furnish the Building in accordance with law; and

4 (3) subject to Title 2, Subtitles 4 and 5, Title 4, Subtitles 7 and 8, §§
5 8–127, 8–128, and 8–129, Part V of Title 8, Subtitle 1, [Title 10 and] **TITLE 10**, Title
6 12, Subtitle 2, and §§ 13–219 and 13–221 of the State Finance and Procurement
7 Article, shall supervise and control the use of any other real or personal property that
8 the State acquires for use of the Archives.

9 DRAFTER’S NOTE:

10 Error: Extraneous conjunction and omitted comma in § 9–1008(b)(3) of the State
11 Government Article.

12 Occurred: Ch. 22, Acts of 1992.

13 9–2701.

14 (h) The Council shall:

15 (3) recommend one legislative proposal each legislative session
16 concerning an issue included in [paragraph] **ITEM (2)** of this subsection for possible
17 introduction; and

18 DRAFTER’S NOTE:

19 Error: Stylistic error in § 9–2701(h)(3) of the State Government Article.

20 Occurred: Ch. 559, Acts of 2008.

21 9.5–101.

22 (a) There is a Governor’s Office of Community Initiatives, as authorized
23 under Executive Order [01.01.07.2007.25] **01.01.2007.25**.

24 DRAFTER’S NOTE:

25 Error: Erroneous cross–reference in § 9.5–101(a) of the State Government
26 Article.

27 Occurred: Ch. 521, Acts of 2008. Correction by the publisher of the Annotated
28 Code in the 2009 Replacement Volume of the State Government Article is ratified by
29 this Act.

1 9.5–308.

2 (b) Money received under subsection (a) of this section[,] and income and
3 fees derived from educational materials and activities of the Commission are not
4 subject to § 7–302 of the State Finance and Procurement Article.

5 DRAFTER’S NOTE:

6 Error: Extraneous comma in § 9.5–308(b) of the State Government Article.

7 Occurred: Ch. 3, Acts of 2007.

8 10–222.1.

9 (c) In an action seeking civil enforcement of an administrative [order]
10 **ORDER**, a party shall name, as a defendant, each alleged violator against whom the
11 party seeks to obtain civil enforcement.

12 DRAFTER’S NOTE:

13 Error: Omitted comma in § 10–222.1(c) of the State Government Article.

14 Occurred: Ch. 377, Acts of 2000.

15 10–1102.

16 (f) (1) “Vital documents” means all applications[,] or informational
17 materials, notices, and complaint forms offered by State departments, agencies, and
18 programs.

19 DRAFTER’S NOTE:

20 Error: Extraneous comma in § 10–1102(f)(1) of the State Government Article.

21 Occurred: Ch. 141, Acts of 2002.

22 10–1103.

23 (c) The provisions of this subtitle shall be fully implemented according to the
24 following schedule:

25 [(i)] (1) on or before July 1, 2003, full implementation by:

26 [1.] (I) the Department of Human Resources;

27 [2.] (II) the Department of Labor, Licensing, and Regulation;

1 [3.] (III) the Department of Health and Mental Hygiene;

2 [4.] (IV) the Department of Juvenile Justice; and

3 [5.] (V) the Workers' Compensation Commission;

4 [(ii)] (2) on or before July 1, 2004, full implementation by:

5 [1.] (I) the Department of Aging;

6 [2.] (II) the Department of Public Safety and Correctional
7 Services;

8 [3.] (III) the Department of Transportation, not including the
9 Maryland Transit Administration;

10 [4.] (IV) the Maryland Human Relations Commission;

11 [5.] (V) the Department of State Police; and

12 [6.] (VI) five independent agencies, boards, or commissions, to
13 be determined by the Secretary [of the Department] of Human Resources, in
14 consultation with the Office of the Attorney General;

15 [(iii)] (3) on or before July 1, 2005, full implementation by:

16 [1.] (I) the Comptroller of Maryland;

17 [2.] (II) the Department of Housing and Community
18 Development;

19 [3.] (III) the Maryland Transit Administration;

20 [4.] (IV) the Department of Natural Resources;

21 [5.] (V) the Maryland State Department of Education;

22 [6.] (VI) the Office of the Attorney General; and

23 [7.] (VII) five independent agencies, boards, or commissions to
24 be determined by the Secretary [of the Department] of Human Resources, in
25 consultation with the Office of the Attorney General; and

26 [(iv)] (4) on or before July 1, 2006, full implementation by:

27 [1.] (I) the Department of Agriculture;

1 [2.] (II) the Department of Business and Economic
2 Development;

3 [3.] (III) the Department of Veterans Affairs;

4 [4.] (IV) the Department of the Environment; and

5 [5.] (V) five independent agencies, boards, or commissions to
6 be determined by the Secretary [of the Department] of Human Resources, in
7 consultation with the Office of the Attorney General.

8 DRAFTER'S NOTE:

9 Error: Tabulation error in § 10–1103(c); extraneous language in §
10 10–1103(c)(ii)6, (iii)7, and (iv)5 of the State Government Article.

11 Occurred: Ch. 141, Acts of 2002.

12 20–401.

13 This subtitle does not prohibit any person that is licensed or regulated by the
14 Department of Labor, Licensing, and Regulation from refusing, withholding from, or
15 denying accommodations, advantages, facilities, privileges, sales, or services to any
16 person for failure to conform to the usual and regular requirements, standards, and
17 regulations of the licensed or regulated person, provided that the denial is not based
18 on discrimination on the grounds of race, sex, color, creed, national origin, marital
19 status, sexual orientation, AGE, or disability.

20 DRAFTER'S NOTE:

21 Error: Omitted word in § 20–401 of the State Government Article.

22 Occurred: As a result of Ch. 366, Acts of 2009. Correction is consistent with
23 other changes enacted in Ch. 366, Acts of 2009. (See e.g. § 20–402 of the State
24 Government Article.)

25 20–1013.

26 (d) If the court finds that [a discriminatory act] **AN UNLAWFUL**
27 **EMPLOYMENT PRACTICE** occurred, the court may provide the remedies specified in §
28 20–1009(b) of this subtitle.

29 DRAFTER'S NOTE:

30 Error: Obsolete language in § 20–1013(d) of the State Government Article.

1 Occurred: As a result of Ch. 367, Acts of 2009.

2 **Article – State Personnel and Pensions**

3 2–707.

4 (a) A member of a reserve component of the armed forces of the United
5 States is eligible for the reinstatement rights and benefits specified in §§ 2–705 and
6 2–706(a), (b), and (c) of this subtitle if the reservist:

7 (1) performed active duty for training of a nature and length that meet
8 the requirements for eligibility under [Title 38 U.S.C. § 4304(c)] **TITLE 38 U.S.C. §**
9 **4301 ET SEQ.;**

10 DRAFTER’S NOTE:

11 Error: Erroneous cross-reference in § 2–707(a)(1) of the State Personnel and
12 Pensions Article.

13 Occurred: As a result of changes in federal law enacted under P.L. 103–353
14 (1994).

15 3–202.

16 (f) In making appointments to the Board, the Governor shall ensure, to the
17 extent practicable, that:

18 (1) the ratio of male [and] **TO** female members and the racial makeup
19 of the Board is reflective of the general population of the State; and

20 DRAFTER’S NOTE:

21 Error: Grammatical error in § 3–202(f)(1) of the State Personnel and Pensions
22 Article.

23 Occurred: Ch. 298, Acts of 1999.

24 3–2A–02.

25 (f) In making appointments to the Board, the Governor shall ensure, to the
26 extent practicable, that:

27 (1) the ratio of male [and] **TO** female members and the racial makeup
28 of the Board is reflective of the general population of the State; and

29 DRAFTER’S NOTE:

1 Error: Grammatical error in § 3-2A-02(f)(1) of the State Personnel and
2 Pensions Article.

3 Occurred: Ch. 341, Acts of 2001.

4 21-306.

5 (e) (3) (iii) The assets to the credit of the participating governmental
6 units as of the valuation date shall be increased by [the sum of] the outstanding
7 [balances] **BALANCE** of[:

8 1.] the special accrued liability attributable to the
9 participating governmental units under subsection (d) of this section[; and

10 2. the withdrawal liability attributable to the
11 participating governmental units under paragraph (5) of this subsection].

12 **DRAFTER'S NOTE:**

13 Error: Obsolete item in § 21-306(e)(3)(iii) of the State Personnel and Pensions
14 Article.

15 Occurred: As a result of Ch. 238, Acts of 2005.

16 22-406.

17 (n) On or before October 1 of each year, the State Superintendent of Schools
18 shall submit a report for the previous school year, to the Joint Committee on Pensions,
19 in accordance with § 2-1246 of the State Government Article, that provides:

20 (7) the percentage of student population [comprised] **COMPOSED** of
21 children in poverty that is required to be present in a school in that school system in
22 order for that school to qualify as a Title 1 school.

23 **DRAFTER'S NOTE:**

24 Error: Grammatical error in § 22-406(n)(7) of the State Personnel and Pensions
25 Article.

26 Occurred: Ch. 443, Acts of 2007.

27 23-204.

28 (d) (2) An individual described in paragraph (1) of this subsection may
29 elect membership in the Law Enforcement Officers' Pension System if the county
30 employing the individual elects to become an eligible governmental unit in the Law

1 Enforcement Officers' Pension System in accordance with [§ 31-2A-02 through
2 § 31-2A-05] §§ **31-2A-02 THROUGH 31-2A-05** of this article.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 23-204(d)(2) of the State Personnel and Pensions
5 Article.

6 Occurred: Ch. 334, Acts of 2007.

7 23-407.

8 (n) On or before October 1 of each year, the State Superintendent of Schools
9 shall submit a report for the previous school year, to the Joint Committee on Pensions,
10 in accordance with § 2-1246 of the State Government Article, that provides:

11 (7) the percentage of student population [comprised] **COMPOSED** of
12 children in poverty that is required to be present in a school in that school system in
13 order for that school to qualify as a Title 1 school.

14 DRAFTER'S NOTE:

15 Error: Grammatical error in § 23-407(n)(7) of the State Personnel and Pensions
16 Article.

17 Occurred: Ch. 443, Acts of 2007.

18 38-103.

19 (d) (2) (ii) 2. Subject to subparagraph (i) of this paragraph and in
20 addition to any service credit received under paragraph (1) of this subsection, a
21 member of the Maryland National Guard who has been activated under Title 10 of the
22 United States Code[,] and who is on active or inactive duty for training that interrupts
23 the member's service shall receive service credit at the rate of 4 months for each full
24 year for military service, not to exceed a total of 36 months.

25 DRAFTER'S NOTE:

26 Error: Extraneous comma in § 38-103(d)(2)(ii)2 of the State Personnel and
27 Pensions Article.

28 Occurred: Ch. 76, Acts of 2003.

29 **Article – Tax – General**

30 10-727.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) **“ADMINISTRATION” MEANS THE MARYLAND ENERGY**
3 **ADMINISTRATION.**

4 (3) “Bio-heating oil” means heating oil with a blend of at least 5%
5 biodiesel.

6 [(3) “Administration” means the Maryland Energy Administration.]

7 DRAFTER’S NOTE:

8 Error: Stylistic error (failure to codify defined terms in alphabetical order) in §
9 10-727(a) of the Tax – General Article.

10 Occurred: Ch. 140, Acts of 2008.

11 **Article – Tax – Property**

12 8-401.

13 (f) A failure to send a notice of any change in value or classification within
14 30 days after the date provided in subsection (e) of this section creates an irrebuttable
15 presumption that in the instances specified in subsection (b)(1) through (4) of this
16 section [that] the prior value has not changed unless:

17 (1) the property has been transferred for consideration to new
18 ownership during the previous calendar year;

19 (2) the zoning classification of the property changed during the
20 current triennial cycle or the previous calendar year, whichever is earlier, resulting in
21 an increased value of the property;

22 (3) a substantial change occurred in the use or character of the
23 property during the current triennial cycle or the previous calendar year, whichever is
24 earlier;

25 (4) extensive improvements have been made on the property during
26 the current triennial cycle or the previous calendar year, whichever is earlier, as
27 provided in § 8-104(c)(1)(iii) of this title;

28 (5) due to an error in calculating or measuring improvements on the
29 property the assessment for the previous taxable year was clearly erroneous; or

30 (6) the assessment has been decreased.

31 DRAFTER’S NOTE:

1 Error: Extraneous language in § 8–401(f) of the Tax – Property Article.

2 Occurred: Ch. 171, Acts of 1986.

3 9–105.

4 (a) (1) In this section the following words have the meanings indicated.

5 (2) “ACTIVE MEMBER” MEANS:

6 (I) A SHAREHOLDER IN A FAMILY CORPORATION;

7 (II) A PARTNER IN A GENERAL PARTNERSHIP; OR

8 (III) A MEMBER OF A LIMITED LIABILITY COMPANY OR
9 PARTNER IN A LIMITED LIABILITY PARTNERSHIP WHO HAS OR SHARES THE
10 AUTHORITY TO MANAGE, CONTROL, AND OPERATE THE LIMITED LIABILITY
11 COMPANY OR LIMITED LIABILITY PARTNERSHIP AND WHO SHARES THE ASSETS
12 AND EARNINGS OF THE LIMITED LIABILITY COMPANY OR LIMITED LIABILITY
13 PARTNERSHIP UNDER AN OPERATING AGREEMENT UNDER § 4A–402 OF THE
14 CORPORATIONS AND ASSOCIATIONS ARTICLE OR UNDER A PARTNERSHIP
15 AGREEMENT.

16 (3) “AGRICULTURAL OWNERSHIP ENTITY” MEANS A FAMILY
17 CORPORATION, GENERAL PARTNERSHIP, LIMITED LIABILITY COMPANY, OR
18 LIMITED LIABILITY PARTNERSHIP THAT:

19 (I) OWNS REAL PROPERTY THAT:

20 1. INCLUDES LAND RECEIVING AN AGRICULTURAL
21 USE ASSESSMENT UNDER § 8–209 OF THIS ARTICLE; AND

22 2. INCLUDES LAND USED AS A HOMESITE THAT IS
23 PART OF OR CONTIGUOUS TO A PARCEL DESCRIBED IN ITEM 1 OF THIS ITEM;

24 (II) OWNS PERSONAL PROPERTY USED TO OPERATE THE
25 AGRICULTURAL LAND; AND

26 (III) OWNS NO OTHER PROPERTY.

27 [(2)] (4) (i) “Dwelling” means:

28 1. a house that is:

1 A. used as the principal residence of the homeowner; and

2 B. actually occupied or expected to be actually occupied
3 by the homeowner for more than 6 months of a 12-month period beginning with the
4 date of finality for the taxable year for which the property tax credit under this section
5 is sought; and

6 2. the lot or curtilage on which the house is erected.

7 (ii) “Dwelling” includes:

8 1. a condominium unit that is occupied by an individual
9 who has a legal interest in the condominium;

10 2. an apartment in a cooperative apartment corporation
11 that is occupied by an individual who has a legal interest in the apartment; and

12 3. a part of real property used other than primarily for
13 residential purposes, if the real property is used as a principal residence by an
14 individual who has a legal interest in the real property.

15 **(5) “FAMILY CORPORATION” MEANS A CORPORATION THAT DOES**
16 **NOT HAVE ANY STOCKHOLDERS OTHER THAN THE HOMEOWNER AND THE**
17 **FOLLOWING MEMBERS OF THE HOMEOWNER’S FAMILY:**

18 **(I) A SPOUSE OR FORMER SPOUSE;**

19 **(II) A CHILD OR STEPCHILD;**

20 **(III) A PARENT OR STEPPARENT;**

21 **(IV) A BROTHER OR SISTER;**

22 **(V) A SON-IN-LAW, DAUGHTER-IN-LAW, STEPSON-IN-LAW,**
23 **OR STEPDAUGHTER-IN-LAW;**

24 **(VI) A GRANDCHILD OR STEPGRANDCHILD; OR**

25 **(VII) A GRANDPARENT OR STEPGRANDPARENT.**

26 **[(3)] (6)** “Homeowner” means an individual who has a legal interest
27 in a dwelling or who is an active member of an agricultural ownership entity that has
28 a legal interest in a dwelling.

29 **[(4)] (7)** “Legal interest” means an interest in a dwelling:

- 1 (i) as a sole owner;
- 2 (ii) as a joint tenant;
- 3 (iii) as a tenant in common;
- 4 (iv) as a tenant by the entireties;
- 5 (v) through membership in a cooperative;
- 6 (vi) under a land installment contract, as defined in § 10–101 of
7 the Real Property Article; or
- 8 (vii) as a holder of a life estate.

9 **[(5)] (8)** “Taxable assessment” means the assessment on which the
10 State, county, or municipal corporation property tax rate was imposed in the preceding
11 taxable year, adjusted by the phased-in assessment increase resulting from a
12 revaluation under § 8–104(c)(1)(iii) of this article, less the amount of any assessment
13 on which a property tax credit under this section is authorized.

14 **[(6)]** “Agricultural ownership entity” means a family corporation,
15 general partnership, limited liability company, or limited liability partnership that:

- 16 (i) owns real property that:
 - 17 1. includes land receiving an agricultural use
18 assessment under § 8–209 of this article; and
 - 19 2. includes land used as a homesite that is part of or
20 contiguous to a parcel described in item 1 of this item;
- 21 (ii) owns personal property used to operate the agricultural
22 land; and
- 23 (iii) owns no other property.

24 **(7)** “Active member” means:

- 25 (i) a shareholder in a family corporation;
- 26 (ii) a partner in a general partnership; or
- 27 (iii) a member of a limited liability company or partner in a
28 limited liability partnership who has or shares the authority to manage, control, and
29 operate the limited liability company or limited liability partnership and who shares
30 the assets and earnings of the limited liability company or limited liability partnership

1 under an operating agreement under § 4A-402 of the Corporations and Associations
2 Article or under a partnership agreement.

3 (8) “Family corporation” means a corporation that does not have any
4 stockholders other than the homeowner and the following members of the
5 homeowner’s family:

6 (i) a spouse or former spouse;

7 (ii) a child or stepchild;

8 (iii) a parent or stepparent;

9 (iv) a brother or sister;

10 (v) a son-in-law, daughter-in-law, stepson-in-law, or
11 stepdaughter-in-law;

12 (vi) a grandchild or stepgrandchild; or

13 (vii) a grandparent or stepgrandparent.]

14 DRAFTER’S NOTE:

15 Error: Stylistic error (failure to codify defined terms in alphabetical order) in §
16 9-105(a) of the Tax – Property Article.

17 Occurred: Ch. 501, Acts of 2004; Chs. 208 and 209, Acts of 2007.

18 **Article – Transportation**

19 2-103.1.

20 (f) At the earliest practical date but no later than November 1 of each year,
21 the Department shall provide the proposed Consolidated Transportation Program and
22 the proposed Maryland Transportation Plan to the Department of Planning for review
23 and comment on planning issues including consistency between transportation
24 investments and the State Economic Growth, Resource Protection, and Planning
25 Policy and State priority funding areas established under Title 5, Subtitle 7B[,] of the
26 State Finance and Procurement Article.

27 DRAFTER’S NOTE:

28 Error: Extraneous punctuation in § 2-103(f) of the Transportation Article.

29 Occurred: Ch. 303, Acts of 2000.

1 13–209.

2 (a) The Administration shall maintain an Assurance Fund and deposit in it
3 [that part of] the filing fees collected under this subtitle [that is not credited to the
4 General Fund under § 13–208 of this subtitle].

5 DRAFTER’S NOTE:

6 Error: Obsolete cross–reference in § 13–209(a) of the Transportation Article.

7 Occurred: As a result of Ch. 6, § 5, Acts of 2007 Special Session, which repealed
8 § 13–208 of the Transportation Article.

9 13–402.

10 (c) Registration under this subtitle is not required for:

11 (10) A snowmobile [which] **THAT** is operated on highways and
12 roadways as prescribed by § 25–102(a)(14) of this article;

13 (11) A golf cart [which] **THAT** is operated on a highway on Smith
14 Island, provided that the golf cart is equipped with lighting devices as required by the
15 Administration if it is operated on a highway between dusk and dawn;

16 (12) A golf cart [which] **THAT** is operated on an Allegany County
17 highway as allowed by the county under § 25–102(a)(16) of this article; or

18 DRAFTER’S NOTE:

19 Error: Grammatical error in § 13–402(c)(10), (11), and (12) of the
20 Transportation Article.

21 Occurred: Ch. 682, Acts of 1981; Ch. 258, Acts of 1992; Ch. 82, Acts of 1999.

22 15–311.2.

23 (a) (1) For the purposes of this section, the term “mechanical repair
24 contract” means any agreement or contract sold by a licensed vehicle dealer under
25 which a specified provider agrees to perform over a fixed period of time, for a specific
26 duration and for a specific identifiable price, services relating to the maintenance or
27 repair of a motor [vehicle;] **VEHICLE**, provided that the purchase of the contract is
28 optional to the purchaser.

29 DRAFTER’S NOTE:

30 Error: Punctuation error in § 15–311.2(a)(1) of the Transportation Article.

1 Occurred: Ch. 575, Acts of 1981.

2 16–208.

3 (a) (1) Except as provided in paragraph (2) of this subsection, §§
4 16–205(d–1) and 16–206(a)(4), (b), and (c) of this subtitle, § 16–404(c)(2) and (3) of this
5 title, and § 3–8A–23 of the Courts and Judicial Proceedings [Article] **ARTICLE**, the
6 Administration may not suspend a license or privilege to drive for a period of more
7 than 1 year.

8 **DRAFTER’S NOTE:**

9 Error: Omitted comma in § 16–208(a)(1) of the Transportation Article.

10 Occurred: Chs. 219 and 220, Acts of 2006.

11 16–301.

12 (c) A person may not [display,] **DISPLAY OR** cause or permit to be
13 [displayed,] **DISPLAYED** any canceled license.

14 (d) A person may not [display,] **DISPLAY OR** cause or permit to be
15 [displayed,] **DISPLAYED** any revoked license.

16 (e) A person may not [display,] **DISPLAY OR** cause or permit to be
17 [displayed,] **DISPLAYED** any suspended license.

18 (f) A person may not [display,] **DISPLAY OR** cause or permit to be
19 [displayed,] **DISPLAYED** any fictitious license.

20 (g) A person may not [display,] **DISPLAY OR** cause or permit to be
21 [displayed,] **DISPLAYED** any fraudulently altered license.

22 **DRAFTER’S NOTE:**

23 Error: Grammatical errors in § 16–301(c) through (g) of the Transportation
24 Article.

25 Occurred: Ch. 472, Acts of 1986.

26 16–402.1.

27 (a) When the Administration receives a notice of conviction from a party
28 state to the Driver License Compact under Subtitle 7 of this title, the Administration
29 may not assess points against an individual, except upon receipt of reports of the
30 following convictions:

1 (2) Driving a motor vehicle while under the influence of intoxicating
2 liquor or a narcotic drug, while intoxicated per se, or while under the influence of any
3 other drug to a degree [which] **THAT** renders the driver incapable of safely driving a
4 motor vehicle;

5 DRAFTER'S NOTE:

6 Error: Grammatical error in § 16–402.1(a)(2) of the Transportation Article.

7 Occurred: Ch. 320, Acts of 1987.

8 16–812.

9 (a) The Administration shall disqualify any individual from driving a
10 commercial motor vehicle for a period of 1 year if:

11 (2) The individual holds a commercial driver's license and is convicted
12 of committing any of the following offenses while driving a noncommercial motor
13 vehicle:

14 (iii) Leaving the scene of an accident which requires
15 disqualification as provided by the United States Secretary of Transportation; **OR**

16 DRAFTER'S NOTE:

17 Error: Omitted conjunction in § 16–812(a)(2)(iii) of the Transportation Article.

18 Occurred: Ch. 167, Acts of 2005.

19 18–105.

20 (a) A person may not rent a motor vehicle to any other person if he knows
21 that the other person is under the influence of alcohol, impaired by alcohol, impaired
22 by a drug, a combination of drugs, **OR** a combination of one or more drugs and alcohol,
23 or impaired by a controlled dangerous substance.

24 (b) A person may not rent a motor vehicle to any other person if the person
25 knows that an individual who will drive the rented vehicle is under the influence of
26 alcohol, impaired by alcohol, impaired by a drug, a combination of drugs, **OR** a
27 combination of one or more drugs and alcohol, or impaired by a controlled dangerous
28 substance.

29 DRAFTER'S NOTE:

30 Error: Omitted conjunctions in § 18–105 of the Transportation Article.

31 Occurred: Chs. 4 and 5, Acts of 2001.

1 21-902.

2 (c) (3) A person may not violate paragraph (1) [or (2)] of this subsection
3 while transporting a minor.

4 DRAFTER'S NOTE:

5 Error: Incorrect internal reference in § 21-902(c)(3) of the Transportation
6 Article.

7 Occurred: Ch. 482, Acts of 2005.

8 21-1207.1.

9 (c) A person to whom this section applies may not operate or ride as a
10 passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the
11 standards of the American National Standards Institute, the Snell Memorial
12 [Foundation's standard] **FOUNDATION**, or the [standards of the] American Society
13 [of] **FOR** Testing and [Measurements] **MATERIALS** for protective headgear for use in
14 bicycling.

15 DRAFTER'S NOTE:

16 Error: Extraneous language and misnomer in § 21-1207.1(c) of the
17 Transportation Article.

18 Occurred: Ch. 497, Acts of 1995.

19 21-1207.2.

20 (a) An individual under the age of 16 years may not ride on a scooter or on
21 in-line skates on any highway, bicycle way, sidewalk, or other property open to the
22 public or used by the public for pedestrian or vehicular traffic, unless the individual is
23 wearing a helmet that meets or exceeds the standards of the American National
24 Standards Institute, the Snell Memorial Foundation, or the American Society [of] **FOR**
25 Testing and [Measurements] **MATERIALS** for protective headgear for use in bicycling
26 or in-line skating.

27 DRAFTER'S NOTE:

28 Error: Misnomer in § 21-1207.2(a) of the Transportation Article.

29 Occurred: Ch. 344, Acts of 2001.

30 24-301.

1 (b) (2) [An established place of business] “**ESTABLISHED PLACE OF**
2 **BUSINESS**” does not include a tent, temporary stand or other temporary quarters, or
3 permanent quarters occupied under a temporary arrangement.

4 DRAFTER’S NOTE:

5 Error: Stylistic error in § 24–301(b)(2) of the Transportation Article.

6 Occurred: Ch. 756, Acts of 1985.

7 **Chapter 3 of the Acts of the 2007 Special Session**

8 [SECTION 9. AND BE IT FURTHER ENACTED, That, on or before December
9 1, 2009, and December 1, 2011, the Comptroller shall report to the Governor and,
10 subject to § 2–1246 of the State Government Article, the General Assembly, on the
11 implementation of the imposition of the sales and use tax on the sale of computer
12 services, as provided for under this Act, and the impact on sales and use tax revenues
13 as a result of the imposition of the sales and use tax on the sale of computer services.]

14 DRAFTER’S NOTE:

15 Error: Obsolete section in Chapter 3 of the Acts of the 2007 Special Session.

16 Occurred: As a result of Ch. 10, Acts of 2008, which repealed the imposition of
17 the sales and use tax on the sale of computer services.

18 **Chapter 171 of the Acts of 2009**

19 SECTION 6. AND BE IT FURTHER ENACTED, That any reference in the
20 Annotated Code of Maryland rendered incorrect or obsolete by the provisions of
21 [Section 6] SECTION 7 of this Act shall be corrected by the publishers of the
22 Annotated Code, in consultation with and subject to the approval of the Department of
23 Legislative Services, with no further action required by the General Assembly.

24 DRAFTER’S NOTE:

25 Error: Erroneous cross–reference in Section 6 of Ch. 171, Acts of 2009.

26 Occurred: Ch. 171, Acts of 2009.

27 **Chapter 172 of the Acts of 2009**

28 SECTION 6. AND BE IT FURTHER ENACTED, That any reference in the
29 Annotated Code of Maryland rendered incorrect or obsolete by the provisions of
30 [Section 6] SECTION 7 of this Act shall be corrected by the publishers of the
31 Annotated Code, in consultation with and subject to the approval of the Department of
32 Legislative Services, with no further action required by the General Assembly.

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in Section 6 of Ch. 172, Acts of 2009.

3 Occurred: Ch. 172, Acts of 2009.

4 **Chapter 180 of the Acts of 2009**

5 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any action covered under Article 66B, [§ 1.02(1)] §
8 **1.02(A)(1)** of the Code, as enacted by Section 2 of this Act **THAT WAS TAKEN**
9 **BEFORE THE EFFECTIVE DATE OF THIS ACT.**

10 DRAFTER'S NOTE:

11 Error: Erroneous cross-reference and omitted language in Section 5 of Ch. 180,
12 Acts of 2009.

13 Occurred: Ch. 180, Acts of 2009.

14 **Chapter 181 of the Acts of 2009**

15 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be
16 construed to apply only prospectively and may not be applied or interpreted to have
17 any effect on or application to any action covered under Article 66B, [§ 1.02(1)] §
18 **1.02(A)(1)** of the Code, as enacted by Section 2 of this Act **THAT WAS TAKEN**
19 **BEFORE THE EFFECTIVE DATE OF THIS ACT.**

20 DRAFTER'S NOTE:

21 Error: Erroneous cross-reference and omitted language in Section 5 of Ch. 181,
22 Acts of 2009.

23 Occurred: Ch. 181, Acts of 2009.

24 **Chapter 186 of the Acts of 2009**

25 SECTION 5. AND BE IT FURTHER ENACTED, That funds received [by]
26 **FROM** the federal government under the Victims of Crime Act [(42 U.S.C. § 10602)]
27 **(42 U.S.C. § 10603)** shall be administered by the Governor's Office of Crime Control
28 and Prevention.

29 DRAFTER'S NOTE:

1 Error: Incorrect word usage and incorrect citation in Section 5 of Ch. 186, Acts
2 of 2009.

3 Occurred: Ch. 186, Acts of 2009. Corrections suggested by the Assistant
4 Attorney General for the Department of Public Safety and Correctional Services and
5 the Assistant Attorney General for the Governor's Office of Crime Control and
6 Prevention in an Advice of Counsel memorandum dated July 10, 2009.

7 **Chapter 487 of the Acts of 2009**

8 SECTION 47. AND BE IT FURTHER ENACTED, That the provisions of [§
9 10–210(b)] **§ 10–210.1(B)** of the Tax – General Article, as amended by Section 2 of
10 this Act, shall be applicable to any taxable year to which § 108(i), § 168(k), §
11 172(b)(1)(H), or § 179 of the Internal Revenue Code, as amended by the American
12 Recovery and Reinvestment Act of 2009 (P.L. 111–5), apply.

13 DRAFTER'S NOTE:

14 Error: Erroneous cross–reference in Section 47 of Ch. 487, Acts of 2009.

15 Occurred: Ch. 487, Acts of 2009.

16 **Chapter 500 of the Acts of 2009**

17 SECTION [3.] **4.** AND BE IT FURTHER ENACTED, That, during the 30–day
18 period after the first work zone speed control system is in place, a law enforcement
19 agency may issue warnings, but may not issue citations, for violations enforced in
20 accordance with § 21–810 of the Transportation Article, as enacted by this Act.

21 SECTION [4.] **5.** AND BE IT FURTHER ENACTED, That this Act shall be
22 construed to apply only prospectively and may not be applied or interpreted to have
23 any effect on or application to any contract awarded before the effective date of this
24 Act.

25 SECTION [5.] **6.** AND BE IT FURTHER ENACTED, That an obligation or
26 contract right existing on the effective date of this Act may not be impaired in any way
27 by this Act.

28 SECTION [6.] **7.** AND BE IT FURTHER ENACTED, That each local
29 jurisdiction that enforces speed limit laws as authorized under this Act shall report to
30 the Governor and the General Assembly on or before December 31, 2013, in
31 accordance with § 2–1246 of the State Government Article, on the effectiveness of
32 speed monitoring systems in the jurisdiction.

33 SECTION [7.] **8.** AND BE IT FURTHER ENACTED, That § 21–809(b)(1)(i),
34 (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not

1 apply to speed monitoring systems installed and operated in Montgomery County
2 before October 1, 2009.

3 SECTION [8.] 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act
4 shall take effect October 1, 2012.

5 SECTION [9.] 10. AND BE IT FURTHER ENACTED, That, except as provided
6 in Section [8] 9 of this Act, this Act shall take effect October 1, 2009.

7 DRAFTER'S NOTE:

8 Error: Erroneous numbering in Sections 3 through 9 of Ch. 500, Acts of 2009.

9 Occurred: Ch. 500, Acts of 2009.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the
11 Annotated Code of Maryland, subject to the approval of the Department of Legislative
12 Services, shall make any changes in the text of the Annotated Code necessary to
13 effectuate any termination provision that was enacted by the General Assembly and
14 has taken effect or will take effect prior to October 1, 2010. Any enactment of the 2010
15 Session of the General Assembly that negates or extends the effect of a previously
16 enacted termination provision shall prevail over the provisions of this section.

17 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
18 contained in this Act are not law and may not be considered to have been enacted as
19 part of this Act.

20 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act
21 are intended solely to correct technical errors in the law and there is no intent to
22 revive or otherwise affect law that is the subject of other acts, whether those acts were
23 signed by the Governor prior to or after the signing of this Act.

24 SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the
25 Annotated Code of Maryland, in consultation with and subject to the approval of the
26 Department of Legislative Services, shall make nonsubstantive corrections to
27 codification, style, capitalization, punctuation, grammar, spelling, and any reference
28 rendered incorrect or obsolete by an Act of the General Assembly, with no further
29 action required by the General Assembly. The publishers shall adequately describe
30 any such correction in an editor's note following the section affected.

31 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health or safety,
33 has been passed by a yea and nay vote supported by three-fifths of all the members
34 elected to each of the two Houses of the General Assembly, and shall take effect from
35 the date it is enacted.